PUGET SOUND SPRING 1991

Lawyer

Inside:

You will find ...

Is it the best of times for lawyers, or the worst? Has practicing law become just another way of making a living? And how are the past trends of bureaucracy, specialization, and competition likely to affect the profession in the future? Professor Roger C. Cramton of Cornell University presents some provocative notions in an article on the changing legal profession. **See pages 6 & 7.**

Some Puget Sound graduates, a student, and a Board of Visitors member offer thoughts on the Cramton article and give us some insight into their challenging legal careers. **See pages 8-12.**

Challenges facing the Law School in the near future, and the achievements of the past 5 years, are recounted in a report from Dean **Jim Bond**, excerpted on **pages 4 & 5.**

A glimpse back almost 20 years shows classes and buildings, a library and student lounge, eager students and earnest faculty members who gathered on South Tacoma Way to begin changing the face of legal education in Washington. On **page 13**, snapshots from our files and an appeal for some photos from you.

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Ultimate Guide Charts Puget Sound's Meteoric Rise

"Really pulled itself up ..."

Graduates can take pride in a new ranking for their school. In a book titled *Top Law Schools: The Ultimate Guide*, published this fall by Prentice Hall, Puget Sound was chosen as one of "America's 56 best law programs."

The authors, Bruce S. Stuart and Kim D. Stuart, said they excluded the bulk of the country's 200 law programs and chose to profile only those ABA- and AALS-accredited schools which "have very special qualities to offer the applicant."

The authors, who earlier compiled a guide to the country's top business schools, described Puget Sound as an "up-and-coming school," a category they called their favorite. "These undervalued schools are headed for a meteoric rise, as may already have been evidenced by major upswings in applications, LSAT scores, GPAs, and/or recruiter recognition," they wrote. "Many of these schools have among the most innovative curricula in the country, with young, dynamic faculties who are short on "Name" power but make up for it with charisma and an unadulterated passion for teaching law."

"They are exciting places to learn," the authors observed.

In a memo to students and staff, Dean **Jim Bond** noted that the guide had rated our faculty "A-/B+" on teaching and "A" on accessibility. The only other Northwest school to make the list was the University of Washington, and their faculty received B+ grades on both teaching and accessibility.

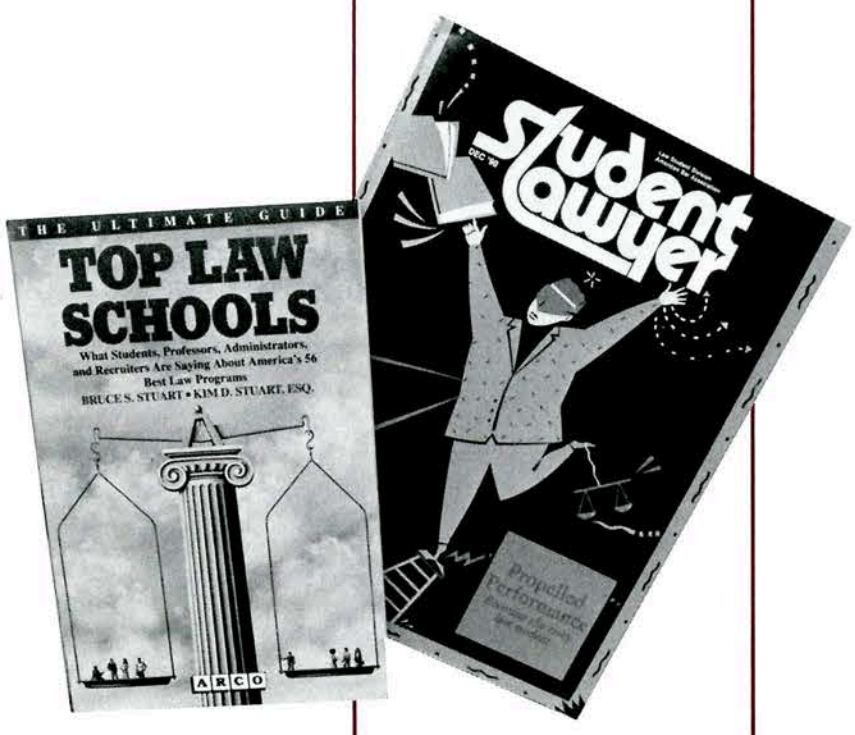
The compilers of the guide, who spent time at each school interviewing students and staff, gave this "insider information" about Puget Sound:

"In one Puget Sound third-year student's words, 'The University of Puget Sound Law School operates like a family where family members support each other. It begins at the admissions stage and continues through the entire law school career to the placement phase.' Although it graduated its first class (less than 20) years ago, Puget Sound has made significant strides, particularly with Washington recruiters who feel as one hiring partner says, 'The school has really pulled itself up and we're looking to them more and more for quality attorneys with strong writing capabilities.' Recruiter satisfaction with student writing may be attributed to Puget Sound's legal writing program which was profiled as one of the most ambitious in a recent issue of the *Student Lawyer* published by the ABA/Law Student Division.

"The University of Puget Sound places teaching commitment and aptitude as its primary consideration in granting tenure to professors. Numerous faculty are engaged in research and many have come from large law firms, small practices, and public service and have been prosecutors, adding a real-world dimension."

One of the school's more interesting features, the Stuarts said, "is a broad range of students with many older students, aged from twenty to fifty-nine years, as well as the highest minority enrollment in the Northwest."

The authors also noted that "Of all the law schools in the Northwest, U. Puget Sound, situated in a four-building complex in downtown Tacoma, is one of the few true law centers. Norton Clapp Law Center is home to the Washington State Court of Appeals, the Federal Public Defender, numerous private law firms, and other law-related enterprises."



Puget Sound's faculty earned high marks in a new book describing the country's top 56 law programs, and the School's alternative admission program was applauded in a recent issue of the Student Bar Association's magazine.

Law School's Special Programs Nurture Many Dreams

"Picture a rainbow coalition ..."

More good news for the growing reputation of the Puget Sound Law School appeared in the December issue of *Student Lawyer*, a publication of the Law Student Division of the ABA, where our alternative admission program was highlighted in an article titled "Propelled Performance: Boosting the risky law student."

Describing the idea behind some 100 alternative admissions and academic support programs at law schools throughout the country, reporter Anthony Monahan wrote:

"This is the dream: that special admission programs will attract and retain the unique student—minorities, career-changing applicants, seasoned and questioning citizens with past lives who can contribute to the law. A picture forms of a rainbow coalition in the classrooms, helping law schools and the profession mirror all sides of American society, not just the postgraduate, white middle class."

How well Puget Sound is advancing that dream with its diverse program and richly experienced students was adeptly pictured in Monahan's lead:

***Glen Prior**, 35-year-old entering law student, sat in the lecture room, intrigued and a little excited: do I belong in this group? It was June, and on this clear Pacific Northwest day he could see years past into the varied histories of his classmates. A new crop of students had assembled, all in a special admittance summer program, all asked to tell something about their backgrounds.*

This was not your average 1L gathering. "One was an anesthesiologist, and we had a three-minute course in anesthesiology," Prior recalls. "Fascinating stuff. There was a former CIA person, a polygraph specialist. There was a military man, a lifer about forty who had decided to go to law school. Two literature graduates had taught English in Japan, and they

—Continued on page 12—

COMPETITION HEATS UP FOR A PLACE IN ENTERING CLASS

Admission staffers have outdone themselves. Now the Faculty Admission Committee will have to get ready for a real workout.

The number of persons seeking admission to the school is up an astonishing 58 percent over this time last year—and 1990 was itself a record-breaking year for applications.

"We were confident we'd experience some increase," said Admission Director **Jennifer Freimund**, "but absolutely no one could have predicted a single-year increase at this level."

Freimund estimates that applications will total between 1,700 and 2,000 for 290 entering class seats.

Among the reasons for such a precipitous rise in applications, Freimund speculated, are:

1) Consistently glowing articles in national magazines about living conditions in and the scenic beauty of the Northwest. The most recent "best-dressed" award came from the Population Crisis Committee which named the Puget Sound area as the best urban area in the world in which to live.

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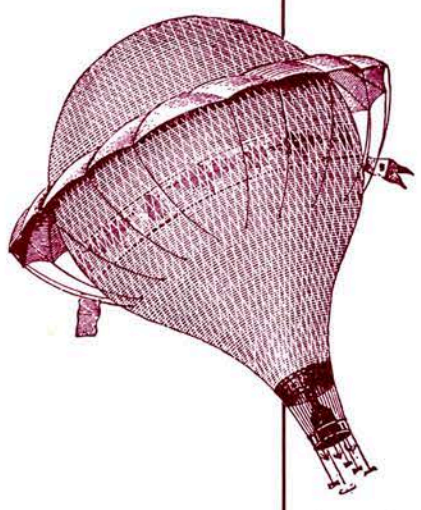


Among the major law firms employing a significant number of Puget Sound graduates is the Seattle office of Bogle & Gates. On the cover, pictured outside that office, are:
Associate **Kit Narodick '87**
Partner **Linda Christophersen '82**
Partner **Lucy Isaki '77**
Second row
Associate **James W. Stubner Jr. '84**
Associate **Kimberley Bressler '89**
Summer Clerk **Lora Brown '91**
Third row
Associate **Mark Carlson '87**
Associate **Heidi Irvin '87**
Associate **Lisa O'Toole '87**
Summer Clerk **Peter Sandomire '91**
Fourth row
Associate **George Ferrell '89**
Associate **Jeffrey James '88**
Summer Clerk **Paul Nordsletten '91**

Alumni Society President's Notes

Activities and meetings recounted ...

The Law Alumni Society Board wishes you a great 1991! But, wait! Let's go back to 1990 for a review of the Law School Commencement exercises held on December 22 at Kilworth Chapel on the main campus.

A December Commencement? Didn't all of us graduate from UPS Law School on a Sunday in May? No, all of us did not.

December Commencement has officially occurred since the beginning of our Law School. However, in January 1989, Dean Bond established the policy that there would be no more December graduation exercises sponsored by the Law School due to financial considerations.

The December tradition continued when the graduating students decided to organize their own graduation. The Dean of the Law School does not attend as the Commencement does not have official University sanction. Our Law School is unique in the Northwest in that we are the only law school in this region to have a December graduation.

I attended the December 1990 graduation and the experience was every bit as powerful and compelling as the official May graduation exercises. This was due to its impeccable organization and tremendous energy exhibited by the students, faculty, and other attendees.

Thirty students were present to receive their diplomas in the presence of a packed Kilworth Chapel. It truly was an intimate and unforgettable program. It was the most official/unofficial graduation I have observed.

The invocation was given by Professor Holdych, and Professor Boerner presided over the exercises and conferred the degrees. Chief Justice Gerry Alexander of the Washington State Court of Appeals, Division II, gave the Commencement address. The faculty speaker was Timothy J. Lowenberg, an adjunct professor who has been selected as faculty speaker by the students at least four times at previous graduations.

These speakers were excellent and the subject matter of their speeches was timely and thought-provoking. Judge Alexander impressed upon the graduates that the law is still a learned profession, the central core of which is a strong sense of ethics and community service. Professor Lowenberg movingly reminded the degree candidates that they are witnesses to an historic benchmark in the law in their lifetimes because of the amazing technological and geopolitical changes in the world. Who would have thought that law schools would offer courses in space law?

The student speakers were Richard Roberts and Karen Daubert. Their deliveries were perceptive and inspiring. Rick reminisced about the diversity of student backgrounds and the close bonding achieved by the class during law school. Karen exhorted all of us to periodically "take our brain and stomp on it" so that we will be able to really see what is there to be seen. A necessary thing indeed!

Following the conferring of degrees, Professor Holdych gave the benediction. Your Law Alumni Society was active in the program by your president's introduction of the student speakers and presentation of the 30 candidates for the Juris Doctor degree. A reception followed in the rotunda at the main campus.

Will there be a December Commencement in 1991? It is uncertain and wholly dependent upon the wishes of each December graduating class. Some believe that there is less and less student interest expressed for the exercises, due, in part, to the official University policy.

The journey through law school is a difficult and tedious one. One of the most memorable rewards is Commencement—be it in May or December. Congratulations are extended to this graduating class for their organization of and full participation in December Commencement.

~

Despite the marked improvement in our July 1990 bar passage rate, the Ad Hoc Committee on Bar Passage continues to meet and investigate and consider policy. We met on December 18 and the meeting was chaired by one of our new members, J. David Andrews, a member of the law firm of Perkins Coie and a member of the Board of Visitors. The Honorable Robert J. Bryan is also a new member of the Committee and was in attendance.

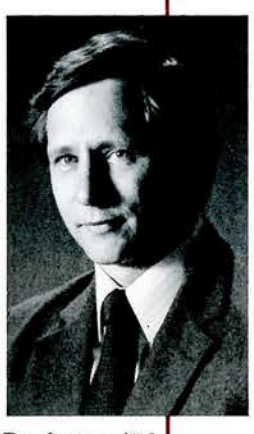
Various concerns were discussed by the committee, and we look forward to our ongoing involvement in this process. Dean Bond is to be commended for his well-considered appointment of these two newest members.

—**James A. Lopez '78**

Aaron Owada '83

David Strout '79

Jim Lopez '78



Sam Pemberton '76

Mary Jo Heston '80

Doug Hill '81

Susan Adair Dwyer-Shick '86

Lynn French '86

Pictured here are eight members of the 1990-91 Law Alumni Society Board. Member ***Terry Sebring '74*** *is shown on page 10.*

Plan To Return: Call Going Out To Class of '81

Sounding off about a reunion ...

Anchorage in August. Hawaii in January. Sydney in February. Puget Sound in July. Nothing compares.

And nothing will beat the Class of 1981's Tenth Reunion in July, On the Sound.

Doug Hill, chair of the Reunion Committee, has confirmed that the Tacoma Yacht Club is the place to be on July 20, 1991. Committee members **Lynn Johnson**, **Lawrence Tracy**, **Kevin Byrd**, **Tom Farrow**, **Jerry Ford**, **Jeff Jahns**, **Sandy Kindig**, **Steve Shelton**, and **Preston Foskey** are planning an evening of music, dance, and good times that you won't want to miss.

Come celebrate this once-in-a-lifetime event in a once-in-a-lifetime place. Come enjoy the balmy air, the wash of waves on sand, and the dramatic sunset of a summer evening—On the Sound.

Nothing compares.

NEW LAW SOCIETY CHAPTER FORMING IN D.C. AREA

In the plush surroundings of the Longworth House Office Building's Committee on Interior and Insular Affairs Hearing Room, Washington, D.C.-area alums recently had the opportunity to hear Professor Chris Rideout discuss the law and literature movement. The gathering was hosted by **Gordon Creed '75** and **Richard Agnew '79**, Chief Minority Counsel for the Committee on Insular Affairs.

Alumni/ae in the D.C. area are developing a chapter of the Law Alumni Society which will organize annual programming and visits from Law School faculty. If you are interested in participating, contact the Alumni/ae Affairs Office. *See photo on page 5.*

ACT NOW! NOMINATE A DISTINGUISHED GRADUATE

The Distinguished Law Graduate Committee of the Law Alumni Society is accepting nominations for the Distinguished Law Graduate award. To nominate, send the graduate's name and address, a supporting statement, and your name and daytime phone number to: **Mary Jo Heston '80**, U.S. Trustee, U.S. Department of Justice, 600 Park Place Building, 1200 Sixth Avenue, Seattle, WA 98101. The award is presented annually to a graduate who has made significant contributions to professional or volunteer endeavors and/or to the Law School.

More than 100 alumni/ae and friends were honored at the Law School's annual holiday reception in December at the Rainier Club in Seattle. ***Mike Shipley '88*** *and* ***Beth Jensen '85*** *enjoyed the good food, the festive surroundings, and each other's company.*

From left, ***Jill Tamkin '90*** *and* ***Robin Amadei '81****, who was visiting from Colorado, caught up on each other.*

Phil McKinney '91 *and Judge Gerry Alexander, who serves as an adjunct professor and a member of the Board of Visitors at the Law School, interrupted their conversation to smile for our photographer.*

Dean Bond Cites School's Recent Achievements, Sets Forth Future Challenges In a Major Report To Constituents

Stronger than at any time in our history ...

Adoption of the first-in-history long range plan; a smaller, more able student body; increased faculty productivity; and a return to a more tightly prescribed curriculum are signs of significant progress at the School of Law, according to a comprehensive, "state of the Law School" report released this fall by Dean **James E. Bond**.

In a document titled *Achievements: 1986-90, Challenges: 1991 and Beyond,* Bond indicated that recent accomplishments of Puget Sound faculty, professional staff, students, and alumni/ae have contributed to a program of legal education which is stronger than at any time in the School's 18-year history. According to the dean, they also provide momentum for meeting "major challenges ahead which will require sound planning and sustained commitment from all of us."

Highlights from the "achievements and challenges" report are excerpted here. Alumni/ae wishing for copies of the full text may contact the Office of the Dean, 206-591-2274.

Achievement:

The Long Range Plan provides a basis for annual planning and clear criteria by which we can measure our progress.

The Board of Trustees' adoption of a long range plan for the Law School in January 1989 culminated a comprehensive self-evaluation and planning process. The significance of the plan is two-fold:

■ First, it set specific, concrete goals with respect to the size and composition of the student body and the productivity and diversity of the faculty. It invited a zero-based review of the curriculum; and it recommended strategies for raising funds, increasing placement opportunities for our graduates, and improving the bar performance of our students.

■ Second, the long range plan commits the Law School and the University to these goals and recommendations. That common commitment is crucial because successful implementation of the plan requires university-wide cooperation and support.

Dean Jim Bond

Achievement:

The student body remains as diverse in terms of race, age, and gender today as it was in the past. It is different only in that it is smaller and more able.

The statistical profile of our entering classes has improved dramatically, especially in the last two years. In 1986 the average entering student had a 3.08 GPA and a 33 LSAT score. This year the average entering student has a 3.28 GPA and a 37 LSAT. *What this means is that our "average student" now is drawn from the 79th percentile of the national applicant pool rather than from the 61st percentile.*

There are four reasons for this significant improvement in the quality of the student body:

■ A reduction in the size of our entering classes from 360 to 300 was essential. That, coupled with an extraordinary increase in the number of applications, has enabled us to become much more selective. *Only 48 percent of persons seeking admission to the 1990 Entering Class were accepted, the first time in our history we admitted fewer than half of those who applied. Because applicant volume for 1991 is setting a record-breaking pace, we anticipate admitting this year only about one-third of those who apply.*

■ An energetic and imaginative admission program, fortified by the volunteer efforts of some 100 Alumni/ae Ambassadors for Admission, also played a key role. *Approximately one out of every two students we admit enrolls at Puget Sound—an outstanding "conversion rate" (one out of four is more common among comparable private schools).*

■ The increased availability of scholarship funds has helped us attract and retain better students. In 1986 we awarded $365,170 in scholarship dollars, about 5 percent of our operating budget that year. In 1990 we awarded scholarships totalling $743,500, or 9 percent of the operating budget. *In absolute dollars, scholarship funds have risen over 100 percent in just four years.*

■ A strengthened academic support program has made a marked difference in attracting and retaining higher-risk, non-traditional students and enhancing their academic performance. *ABA/AALS reaccreditation inspectors who visited the Law School in 1989 characterized our Academic Resource Center as "a model which other schools might well study."*

Achievement:

The faculty is the heart of our educational enterprise, and that heart is healthier today than it was four years ago when I became dean.

While measuring faculty quality is difficult, there are nevertheless objective indicators that constitute rough measures of productivity:

■ **Teaching effectiveness** — Representatives on the ABA/AALS reaccreditation inspection team were particularly impressed with our faculty's commitment to teaching: "We know of few faculties who care as much about their teaching," they said, "and we know of none who do it better." Students, who are demanding critics, generally concur. *More than 80 percent of the faculty are routinely rated "excellent" or "good" by 75-95 percent of their students.*

■ **Scholarly productivity** — Between 1982 to 1986, the faculty published 42 articles and four books. From 1986-1990, they published 95 articles and 13 books. As a result of their publications last year, the School of Law for the first time found itself ranked among the top 50 law schools in the country in terms of scholarly productivity. *Puget Sound was the only Pacific Northwest law school included on the "top 50" list.*

Challenge:

No challenge is more important than maintaining and improving the quality of this faculty.

A law school may want for resources, have an inadequate facility, be ineptly staffed and administered, and yet be a fine school—so long as its faculty is able. In this arena, the challenges before us are clear.

■ *The faculty presently is stretched thinner than is desirable.* Our professors are unable to cover all basic courses, much less to offer small "capstone" seminars keyed to specialty areas. The faculty resource problem is compounded by the faculty's necessary involvement with student organizations and activities, and participation in onerous committee work.

■ *The faculty, 90 percent of whose tenured members are white males (18/20), lacks diversity.* Although the recently hired, tenure-track faculty reflects greater diversity (50 percent are female [4/8] and 12 percent are minority [1/8]), the long range plan states that "the faculty must have more female and minority members, and to that end the School should not hire unless it has considered among the final candidates for the position a minority or female candidate." The president and the dean will insist on compliance with this directive.

Challenge:

The Long Range Plan recommended that the faculty undertake a zero-based re-evaluation of the curriculum to ensure that it educates our students for a lifetime in the law.

Last spring our faculty took a first step toward revision of the curriculum by

—Continued on next page—

Prudent decision-making and a sustained commitment ...

adopting a series of prerequisite courses. Since most students will choose to take these classes, the net result of this effort is that some 56 of the 90 credits necessary for graduation are, for all practical purposes, required or prescribed.

We now have an opportunity to examine the third-year curriculum which, here, as elsewhere, is the most problematic part of our program. At present, this curriculum is an incoherent cafeteria of large enrollment bar courses; a smattering of seminars; and a number of advanced courses in areas like tax, corporations, and environmental law.

This is not necessarily a bad curriculum. It is, after all, replicated in most other law schools. One of its advantages is that students with a wide range of interests can get a good education—if they choose prudently. Many students, however, are simply bewildered and choose irrationally, if not poorly.

Moreover, few students have a realistic opportunity to put together a sequence of courses in an area of interest that informs them carefully and thoughtfully, broadly and deeply. While we should not replace the "cafeteria menu" entirely, we must scale down the menu, reorganize the offerings, and substitute some new courses so that students could choose to concentrate in selected areas.

The concentration areas offered should reflect a combination of the present faculty's strengths and likely student interest. Corporate law, public health law, environmental law, and litigation seem good candidates, based on those criteria.

CHALLENGE:
Among private law schools, there is a strong correlation between the quality of the student body on the one hand and tuition rates, placement of graduates, and faculty salaries on the other. While the interrelationship among these elements is doubtless complex, the quality of the student body is more often than not the critical factor.

In order to preserve and enhance the quality of our student body, we must concentrate on several areas:

■ Financial aid must be expanded if we are to continue attracting "the best and the brightest." The long range plan recommends that "each year 1 percent more of tuition revenues should be allocated to financial aid for students until 10 percent of tuition revenues are used for that purpose."

That may not be enough. *Competition for outstanding students is fierce, and increased financial aid is necessary to maintain the traditional diversity of our student body—both in terms of ethnic and economic mix.*

■ We must make our academic program as attractive as possible to potential students, for the students we seek to enroll also are recruited heavily by other law schools. *In this connection, giving our students the opportunity to study a single area of the law in-depth would be the single most helpful change we could make.*

■ We have an obligation to the bar and to the public to graduate only those students whose ability and character will enable them to practice law with competence and with honor. We also have a strong self-interest in ensuring that all our graduates can pass the bar the first time they take it.

We must expect our students to measure up to the exacting academic demands of a rigorous legal education. Students who do failing work ought to be failed. The faculty may wish to demand stricter compliance with professional standards like regular attendance and timeliness. Discipline is essential to competent (not to mention successful) practice, and we do our students no service by overlooking non-attendance and missed deadlines.

The issue here is in some sense larger than these particular concerns. *That larger issue is the priority we insist that our students give to their legal studies.* If we acquiesce, we may compromise significantly the quality of professional training we offer.

CHALLENGE:
In order to attract the competitive student of the future, we need to offer state-of-the-art computer resources for legal research and writing.

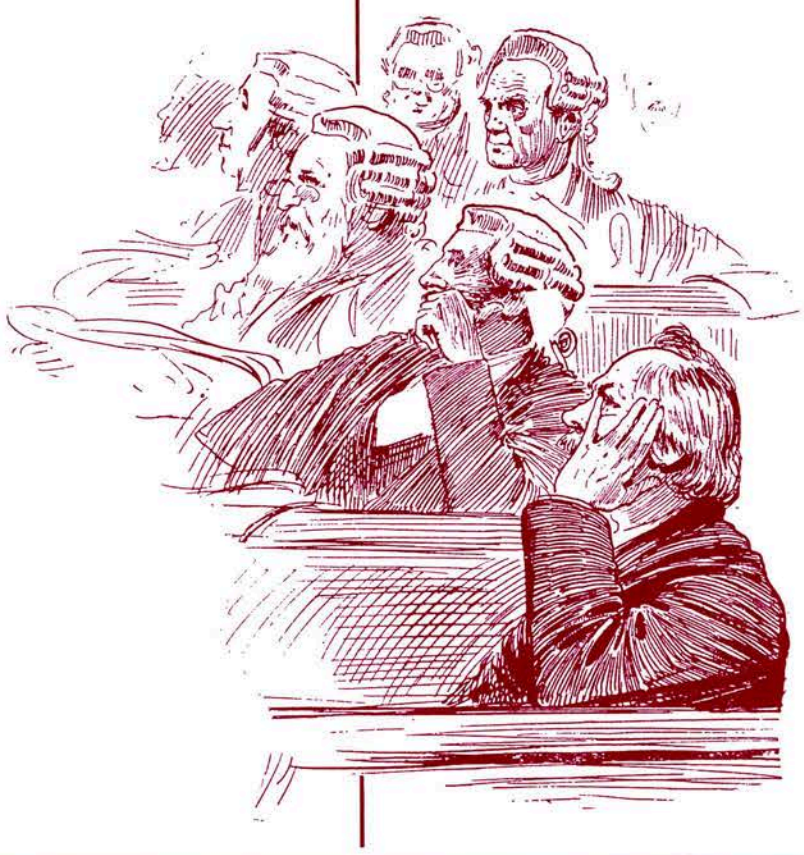
The need to upgrade and expand our technological infrastructure may seem less compelling simply because Library Director Anita Steele and her staff anticipated the revolution in information services and took steps to keep the Law School ahead of technological developments. Without great flourish and without great expenditure, they have maintained balanced progress in all technology-related areas.

The simple fact, however, is that the state-of-the-art evolves so rapidly that yesterday's progress is out-of-date today. Consequently, there is a constant need for upgrading of all resources: computer hardware and software; voice and data communication services; classroom instruction technology; audio and video developments; user training; and support services. Failure to spend money to these ends now will result in retrogression and greater expense later.

In the report's concluding remarks, Dean Bond emphasized that "fortunately, the Law School's challenges can be met largely through prudent decision-making and a sustained commitment to improve the program at all levels."

"Additional funding would be helpful, of course, and increasing gift income remains a high priority," he added. "If we meet successfully the challenges before us, we may then justifiably bask in our achievements."

One of the newest chapters of the Law Alumni Society met on Capitol Hill recently. Shown here are: first row (from left), ***Diana Buckley '85, Maria Velikonja '83****; second row (from left),* ***Gordon Creed '75, James Darnton '85, Charles Shotwell '80, Richard Agnew '79,*** *all D.C.-area alums who met with Professor Chris Rideout and Dean James Bond.*



The Changing Legal Profession: Roger Cramton Analyzes Law Practice Today How We Got Here and Where We're Going

Is the practice of law merely another way of earning a living? ...

Roger C. Cramton is the Robert C. Stevens Professor of Law at Cornell University and immediate past president of the American Association of Law Schools. The following article appeared in ILR Report, spring 1989, published by Cornell's School of Industrial and Labor Relations and is reprinted by permission (copyright 1989 by Cornell University). Following, on pages 8-12, are some responses and observations the article elicited, and for which we are grateful.

—Editor

Wherever I travel these days I hear a constant refrain from lawyers of my generation, especially from those who are among the most successful and powerful of the profession. They confide to me in one form or another that "the practice of law is not as much fun as it used to be." In response to my questions, they paint a more specific picture.

First, the economic setting of law practice has changed for the worse. There is a highly competitive atmosphere, with heightened concerns for getting and keeping business and for the bottom line of profitability. In the sector of practice involving individual client service by solo practitioners and small firms, there is sharp practice and undignified lawyer advertising; hustling for business among large firms takes different forms but is increasingly prevalent. Corporate clients exercise much greater scrutiny over what is done and how much is done on their behalf, with resulting loss of autonomy and discretion on the part of the outside lawyer.

Second, the social context of law practice has also deteriorated. There are too many lawyers, many of them under forty years of age, with resultant changes in attitude and life-style. Trust and civility in lawyers' relations with each other are said to have declined: "You can't take anyone's word anymore." Harsh adversary techniques are said to make law practice less pleasant and to run up the cost of litigation. Terms such as "scorched-earth" tactics, stonewalling, "needle in the haystack," and "blindman's buff" become common currency to express standard moves in pretrial discovery. In some locales of practice, it is said, there is routine use of delay for tactical advantage.

A much larger portion of law practice is carried on in large organizations. Those at the top of these hierarchical structures feel removed from the day-to-day practice ("I'm becoming a paper pusher, not a lawyer"). Those at the bottom feel a loss of community and autonomy. Everyone finds less warmth and collegiality—"when we have a firm party, we have to have name tags." The development of technical specialties has also fragmented the group by making it difficult to understand or to evaluate what others are doing.

Finally, there is an underlying moral malaise. "I'm earning more than I ever dreamed I would, but is what I'm doing really worthwhile?"

Is There a Real Problem?

Those recurrent themes suggest a widespread psychic discomfort on the part of some lawyers. Is there a problem that the profession and the public should take seriously? What is it? Many aspects of objective reality support the view that this is the best of times for lawyers, not the worst. The demand for legal services in the United States has grown continuously and rapidly; more than $50 billion is now spent annually on legal services. The demand for legal education, despite temporary falloff during the years 1983-1986, remains at a historically high level. The pool of college graduates who entered the profession during the period since 1969, who will constitute the bulk of the profession for the next generation, were unusually well qualified in terms of academic credentials and intelligence. Despite massive growth in the size of the profession, which has nearly trebled in the past two decades, lawyer earnings are high and increasing.

The American preoccupation with present problems ignores the possibility that things were just as bad or worse some years ago. The view of the past is often a romantic or idealized one inconsistent with the findings of careful historians. Their studies tell us, for example, that the rate of litigation was much higher in colonial America than in today's America, that lawyer advertising and sharp practice were common features of law practice on the American frontier, and that the institutionalized chicanery of some lawyers in New York City in the not-so-gay nineties finds no parallel today.

Contemporary Legal Practice: Trends and Some Questions

The question remains, for lawyers and the society at large: What is the justification for continuing to consider the practice of law a profession? Is the practice of law merely another way of earning a living? Will or should the remaining elements of professional privilege (for example, exclusive licensing, high status, and relatively high income) be stripped away? What follows here is an introduction to the ways in which some of the ongoing changes in the nature, structure, and organization of lawyers' work have raised those vital issues.

During the last hundred years the organization and differentiation of professional work have changed markedly under the impact of urbanization, economic growth, and expanded government regulation. The major changes are those of increased specialization, growth in larger units of production (increased prevalence of salaried employees, hierarchical work arrangements, and bureaucratic processes), and, especially since the 1970s, increased competition within the profession and with outsiders. The same developments came further and faster in the medical profession, where specialization was formally tied to everlonger periods of advanced specialized training and where, in recent years, the dominance of third-party payment arrangements threatens to undermine the economic autonomy of physicians. Consider the following developments:

Number of lawyers. Two-thirds of the world's lawyers—750,000—are found in the United States today. That is about three times the number in 1960 and two times the number in 1970. The profession is growing at the net rate of about 28,000 lawyers a year. Because the growth has been so large in recent years, nearly half of all American lawyers have had less than ten years of legal experience. In addition to being a younger profession, it is also more feminine (from 3 percent women in 1970 to about 18 percent today). The profession is also somewhat more representative of racial and ethnic minorities, which make up about 10 percent of new lawyers as against about 1 percent before 1970.

Specialization. New legal specialties arise frequently, and established areas of specialization tend to fragment into new subspecialties. In large firms lawyers are routed into specialties earlier in their careers and specialties are narrower in focus than previously. For example, lawyers in the labor department may undertake employment discrimination, job safety, and immigration matters in addition to the older business of collective bargaining and unfair labor practices. In the course of time the new as well as the old subdivisions are likely to become distinct subspecialties, in a seemingly endless process of differentiation.

Large law firms. Before World War II only a handful of American firms in a few big cities had more than sixty lawyers. Today there are over sixty firms with more than three hundred lawyers each. The spread of offices to a number of major cities in the United States and abroad has created for the first time the phenomenon of the "national law firm," offering a full line of legal services nationwide and internationally to its clientele. The growth, moreover, is not all at the top; there are over 250 firms today with more than 125 lawyers each. The rationalization of management in those large organizations has involved the creation of a new cadre of nonlawyer managers; the introduction of computerized fiscal, reporting, research, and information retrieval systems; and the development of special programs to recruit, train, supervise, and evaluate lawyers, paraprofessionals, and clerical staff.

A more competitive environment. The law world is uniformly described as less genteel than in former days. Large corporations have much less commitment to individual firms and now tend to spread their legal work among a number of firms. With more uncertainty concerning the future of work for each client, partners are more concerned about acquiring and retaining clients. "Rainmakers" ("finders") hustle for new business, while the "minders" and "grinders" do the legal work. There is less institutional loyalty to the law firm, which now frequently hires new partners or experienced associates as specialists or rainmakers. Partnership compensation, which was formerly influenced primarily by seniority, shifts to a pattern organized by origination and control of legal business. "In law practice today," as one partner put it, "you only eat what you kill." The result is increased uncertainty for associates and partners, who used to wait their turn for law firm leadership but can now be preempted by the failure, breakup, or merger of their firms.

As the entering salaries for recent law graduates have increased—now over $80,000 in the most highly paid sector of the legal employment market—firms have begun to assess the performance of new associates earlier and to require more of them. Associates are expected to record about 2,000 to 2,200 billable hours a year in the largest firms. In some firms only 5 to 10 percent of new associates will stay the full seven-to-ten-year probationary period and become partners.

But Has Professionalism Declined?

Although the sense of lawyers' professionalism is threatened by those developments, a more important issue is whether there is a threat to what the public is entitled to expect: competent legal services at a reasonable price from professionals who do not abuse their trust and who act in the public interest. Possible adverse effects on the public are said to flow from (1) a loss of professional independence and judgment on the part of lawyers who are more specialized and likely to be employees of an organization rather than independent practitioners, (2) a tendency in a more competitive market toward sharp practice or other departures from ethical norms, and (3) a decline in the aspect of the legal profession that has devoted itself to law reform and to providing legal services for the poor. Unfortunately there are few reliable time series data indicating whether those problems are more prevalent now than in the past.

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***Professor Roger C. Cramton** of Cornell Law School*

A more diverse profession today gives better service to more people ...

Concerns about loss of professional independence merge at the extreme into claims that law practice is being deprofessionalized—that the special status and qualities of professionalism are disappearing in a competitive world in which employed lawyers are more client-dependent and less secure in their future. Lawyers, it is said, are becoming indistinguishable from other workers who are tightly controlled in their work by competitive pressures or bureaucratic structure.

But the supporting argument rests almost entirely on modest changes in the employment status of lawyers rather than on careful studies of how the day-to-day work of lawyers is supervised and controlled. The critical factor, Eliot Freidson has persuasively argued, is not employment status but how work is controlled and supervised. Lawyers, whether or not practicing in large organizations, appear to exercise a great deal of discretion in how they perform their work, and they continue to be supervised only by other lawyers. The mentoring process characteristic of the best corporate firms, in which young lawyers are provided guidance, advice, and supervision in the initial stages of practice, is one example of professionalism. Today's complaint, that because young lawyers are being paid so much, they are expected to prove themselves more quickly and are provided with less supervision rather than more, is a criticism reflecting the value of the mentoring system; it is hardly the basis for an argument that the work of lawyers generally has been converted into repetitious, assembly-line work for an hourly wage in which the worker is given no discretion as to how the work is performed.

The areas in which employed practice is increasing (large firms in the corporate sector, house counsel for corporations, and government legal staffs) are those in which the demand for legal services has been growing rapidly. Young lawyers in those areas undertake large responsibilities and tend to specialize early in their careers. Those are marks of the growth of professionalism rather than of its decline.

The contrary argument rests in large part on a romantic and unfounded notion that the solo practitioner of the past was an exemplar of independent professional judgment. Examples of lawyers who meet that vision abound in professional history and folklore, from Abraham Lincoln to Atticus Finch. They were strong-minded and intelligent lawyers who had become pillars in their community, respected for their competence and judgment. They had a choice of clients, and clients valued their moral and practical judgment. They had the capacity and means to exercise an independent judgment that reflected public interests and personal conscience as well as the interests of the client. Their few partners, and their peers in the legal community, supported them in their sphere of independent action.

Many solo practitioners, however, in the past as well as the present, scramble to make a living at the margins of the profession. Economic circumstances require them to cut corners in acquiring, retaining, and handling clients. Although they may have authority over "personal plight" clients who have retained them, the economic and social context of law practice provides them with less discretion in their work and limited opportunities for the independent judgment valued by the idealized version of the solo practitioner.

What has happened is a greater rationalization and formalization of the methods by which lawyers are supervised by other lawyers in organizations performing legal work. With the exception of a new cadre of law firm administrators, responsible to the managing lawyers for financial and administrative services, lawyers are engaged in supervising other lawyers. Bureaucratic rationalization hedges the discretion of the lawyer doing the work with rules, procedures, and measures of accountability that were not present in the past. The cognitive demands of the work, however, have increased, and a large sphere of discretion in its performance has persisted. It is no less "professional," and is perhaps more so, than the typical work of the solo practitioners, who constitute over a third of all present-day lawyers.

Those developments have produced vertical and horizontal differentiation in the legal profession of a kind that is new. Within each law firm individuals are stratified in a hierarchy of authority and management: managing partners, senior partners, junior partners, senior associates, and junior associates, with a new group of nonlawyers (administrators, managers, recruiters, librarians, paraprofessionals, secretaries, and clerical employees) completing the complex organizational structure. In addition to the vertical differentiation, the de facto specialization of law practice separates one department from another (for example, tax, real estate, general corporate, litigation) and, even within departments, produces subspecialties that involve discrete knowledge and skills.

The professional stratification and specialization are not an abandonment of professionalism but do threaten its unity. Studies of the profession have repeatedly emphasized the great divide between the sector of the profession that serves little people and the sector that serves the wealthy and powerful. They have reinforced the finding of A. Z. Reed in 1921 that law was actually two professions under one umbrella. The effect of vertical and horizontal stratification is to divide the legal profession into a myriad of professional groups that have diminishing common bonds.

Relentlessly, for more than fifty years, lawyers have become more specialized. The individual lawyer knows more and more about less and less; he or she has more in common with other specialists in the same field than with other lawyers. The legal profession can no longer be considered one profession or even two; it consists of many subgroups, many of which have little contact, knowledge, or shared interests with each other.

Bar associations, except in the smallest communities, have become umbrella organizations that devote themselves to the common ground among all lawyers (for example, professional discipline and continuing legal education). Perhaps bar associations concern themselves with abstractions such as "professionalism" or "commercialism" because their constituent groups cannot agree on significant matters relating to law reform, the legal system, or the legal profession. Whether the topic is probate reform, product liability, or diversity jurisdiction, the legal profession speaks not with a single voice but with many conflicting voices. The growth and influence of specialized bar associations accurately reflect the changes that have taken place.

Professional solidarity is affected by the process of stratification and differentiation. A united profession cultivates the notion that all its members are peers and equals of uniform competence. The modern myth of the all-competent lawyer-generalist expresses that idea. But the obvious facts of hierarchy in firms and professional associations, of competence for particular tasks being limited to those with specialized experience and ability, and of stratification in the larger organization of professional specialties (with corporate practice, for example, being more highly regarded by the bar than personal-plight practice)—those facts undermine the myth of uniform and equal competence. Because ongoing changes in the structure and organization of power have such fragmenting effects on professional unity, identity, and influence, leaders of the bar tend to view them as threatening and dangerous.

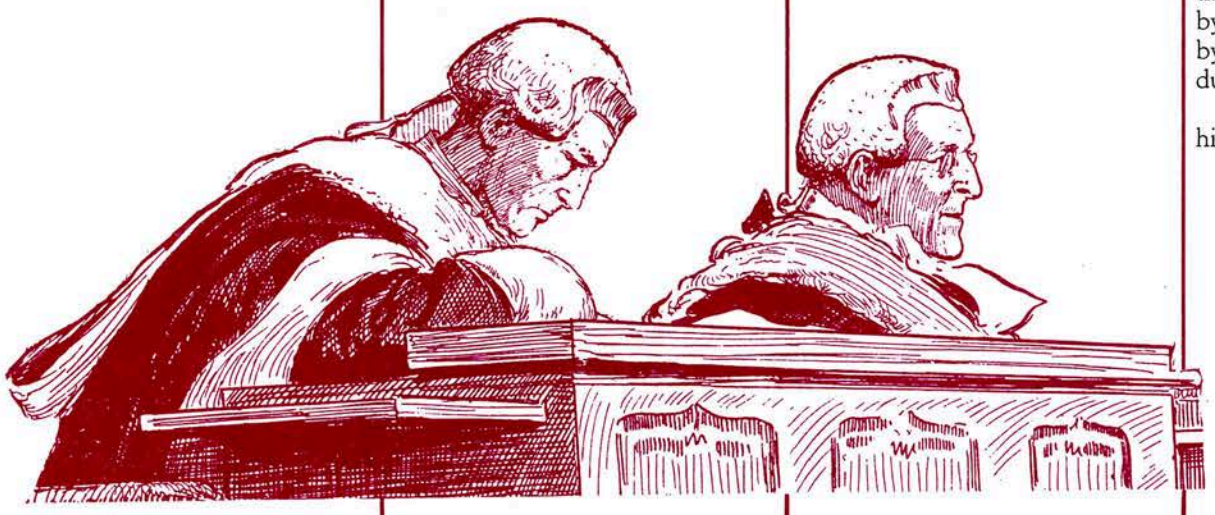
From a public standpoint, less concerned with effects on professional identity and unity, many of the changes have a different guise because they have benefited clients and the general public. The increased competition within the legal profession and with other service providers has improved the quality and variety of many services. On the whole, specialization has also had the effect of increasing the quality and lowering the cost of both routine and hand-tailored legal services. The use of advertising by sectors of the profession that serve individual Americans has increased knowledge about the availability and price of routine legal services; legal advertising has probably also had the effect of expanding the demand for legal services and, by increasing the volume handled by "law clinic" operations, produced some economies of scale.

Lawyers are now held to higher standards of accountability to clients as a result of changes in the conception of the lawyer-client relationship and of more-effective mechanisms of accountability. Competition, of course, has increased the force of market accountability, but other mechanisms have improved as well. Professional discipline is conducted by the profession with a scope and rigor that were not present even twenty years ago, and legal malpractice has become a more effective vehicle of after-the-fact accountability. In short, a more diverse profession today gives better service to more people with a wider range of price and quality.

What Does the Future Hold?

Since the forces that are said to contribute to loss of professionalism—specialization, bureaucracy, and competition—are unlikely to abate, it is probable that an increasing percentage of lawyers will work as salaried employees in large organizational units involving hierarchical authority. They will view their work as a job for which they are paid. And there will be increasing competition for legal business among large providers in both the sector providing routine services to private individuals (where franchised legal clinic operations relying on trade names and national advertising may come to dominate) and that providing tailor-made services on larger matters (where large national firms providing a full line of services may predominate).

If that scenario unfolds, the special privileges of the profession (monopoly status, self-regulation, and high status) will no longer be easily justified. The loss of the remaining sphere of professional monopoly, and the displacement of self-regulation by public regulation, can be expected to follow.



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The Changing Legal Profession
Schleimer: Law Is a Form of Stylized Warfare
Schafer: Self-Interest Poisons Professionalism

"The legal profession has always had its heros, and villains ..."

Joseph D. Schleimer is an associate with the firm of Lavely & Singer in Los Angeles. In 1987, he worked as a consultant to the defense attorneys in the "Twilight Zone" manslaughter trial, and has since worked on litigation matters for Tom Selleck, Rodney Dangerfield, Richard Pryor, Sylvester Stallone, Michael Jackson, and others in the entertainment field.

Any commentary bemoaning the moral demise of the legal profession, such as Roger Cramton's piece, invariably conjures up images of Abraham Lincoln and Atticus Finch as exemplars of what lawyers were like in the "good old days." My own conception of "what a lawyer should be" can be traced back to my viewing, as a boy, Hollywood movies concerning those historical figures. Henry Fonda ("Young Abe Lincoln") and Gregory Peck ("To Kill a Mockingbird") played Lincoln, and Atticus, respectively, and each of these lawyer-characters is portrayed standing in a jailhouse doorway, using moral force and sheer courage to stop a lynch mob from stringing up an innocent client. Both Lincoln and Atticus are idealized as moral crusaders, who insist that payment of their fees need not even be discussed until after justice has been done—"since that's the important thing, ma'am." And both of them win an acquittal by masterfully employing the art of advocacy, and the science of cross-examination.

I have no idea to what extent the screenplays of those classic motion pictures are based on fact. However, I recognize that the movies present a fictionalized version of history, and I don't buy the notion that the profession has "gone downhill," just because modern lawyers are not like Lincoln and Atticus. I think the legal profession has always had its heros, and villains, and always will.

Nor do I accept the concept that "professionalism" has been destroyed by the transformation of the legal profession into an industry of mass production. I have no doubt there have always been noble practitioners who try cases on principle, and such attorneys are still with us today. However, I believe that a substantial segment of the legal profession is now, and probably always has been, a moral cesspool, and we are kidding ourselves if we think that IBM word processors, 1,000-lawyer law firms, and 2,200-hour billing quotas are the root causes of this historic blemish on our public image.

Most of the fundamental defects in the legal profession, and our system of jurisprudence, have nothing to do with demographics, technology, nor any other modern trends. Consider, for example, perjury—and the suborning thereof. Hasn't skill at lying on the witness stand always been the primary driving force behind our system of dispute resolution? The concept of the "triable issue of fact," enshrined in our modern summary judgment doctrine, assumes two sworn witnesses are reciting contradictory versions of the "truth." We *assume* that witnesses will perjure themselves, don't we?

And hasn't it always been true that lawyers are often found in the role of manipulator of the truth? In Abe Lincoln's day they called it "woodshedding." Now it's called "witness preparation." An ethical lawyer will draw the line at "explaining the law" before asking questions, and helping the witness to "characterize" the facts. A substantial percentage of my colleagues, in my opinion, go far beyond that, and conspire with their clients to fabricate lies. I have observed this from close proximity, and I suspect that it is a long-standing tradition in our "industry."

Now I will admit that I have had an insular career, representing actors and musicians—perennial victims who have neither the need, nor the inclination, to lie, cheat and steal. I have thus been able to avoid some of the pressures attendant with serving as the "mouthpiece" for people who do that sort of thing. Nonetheless, representing high profile entertainment figures does bring one into contact with the very sleaziest elements of the legal profession, ranging from the sole practitioner extortionists-in-business-suits ("If I file this complaint, it will make the tabloids tomorrow"), to the big-firm studio attorneys, who think of litigation as the art of the paper blizzard.

I can't say from personal experience that these "types" of lawyers are a new phenomenon, nor a sign of moral decay, since I have only been an attorney for four years, and I did not practice in the "good old days." But you'll never convince me that the practice of law "is not as much fun as it used to be," because I find it hard to believe that things were ever any different. Law, after all, is a form of stylized warfare, and the primary purpose it serves is to keep people from resolving their disputes with pistols at dawn. And warfare—even the symbolic kind—involves unpleasantness, animosity, hostility, and harsh words.

All of this is not to say that we are without our modern day Abe Lincolns and Atticus Finches. There are still members of our profession (Morris Dees comes to mind) who put their lives on the line to fight for justice. And I know a number of poverty lawyers, and ACLU attorneys, who would stand in the doorway and place their bodies in the path of a lynch mob, if justice required it. The truth is that the choices for lawyers today are the same they have always been. Lawyers have the option of pursuing noble causes, and using the law as an instrument of social change, or pursuing personal wealth, billing 2,300 hours a year, and striving for partnership. The more things change, the more they stay the same.

—Joseph D. Schleimer '86

*Since his graduation from Puget Sound Law School in 1978, **Douglas A. Schafer** has engaged in private practice, dealing with business transactions and business planning. He is currently in solo practice in Tacoma.*

Professor Cramton attributes the loss of professionalism perceived by many, though apparently not him, merely to specialization, bureaucracy, and competition. I submit that there is an additional force at work in the decline of professionalism: the growing preoccupation with our individual self-interest. As lawyers we are increasingly making judgments based upon, or excessively influenced by, personal and firm economics rather than traditional professional notions.

We have come to define lawyerly achievement in terms of the highest billable rates, the highest billings and compensation, the most prestigious and elegant offices, and the fanciest cars. We recognize a firm's rainmakers, not its scholars. Innumerable publications, seminars, and consultants tell us how to market and manage our practices for greater profitability, including how we can make every item of equipment in the law office a "profit center" (charge our client more than the items cost us). Associates, contract lawyers, and paralegals are commodities valued for their leverage potential. Salary surveys and firm economics surveys are becoming as common as substantive legal surveys, since no lawyer or firm wants to trail the pack on any economic measure.

This preoccupation with self-interest makes us more aggressive in attracting clients, in guarding them, in "milking" work from them, and in billing them for our services. The pressure to gain more recognition and compensation affects our professional relationships, client relationships, and social relationships. We are more combative in dealing with other lawyers, less objective in serving our clients, especially in conflict situations, and less willing to give our time to public benefit causes. In short, we have become less professional.

What can we do to change? Remind ourselves regularly that our primary goal should not be simply the same as that of every business—to make as much money as possible—but to serve our clients and the public. With that as our collective focus, I am confident we will witness a resurrection of professionalism.

—Douglas A. Schafer '78

Douglas A. Schafer '78

Joseph D. Schleimer '86

More Changing
Russell: Attorneys Must Help Unclog the Courts
Andrews: Lawyers Will Have To Go an Extra Mile

"Hardball litigation is being a jerk in a legal setting ..."

The following "report from the bench" was written by the Honorable ***Robert H. Russell II****, county court judge in Arapahoe County, Colorado. Judge Russell, a 1975 graduate of Puget Sound, served as commander of a detachment at McChord AFB while attending law school, and as chief of military justice at Peterson AFB and at Bitburg AFB in the Federal Republic of Germany immediately thereafter. He has also served as chief of the General Law Division of the Air Reserve Personnel Center in Denver, engaged in private practice, served as a deputy district attorney, and as county court referee in Arapahoe County. He is a member of the Board of Directors of the Arapahoe County Bar Association, is current nominee for vice president of the Colorado Bar Association, and is president of the Sam Cary Bar Association, affiliated with the National Bar Association.*

In reading Roger C. Cramton's article, "The Changing Legal Profession," the question kept coming to mind: Is he bragging or complaining? Granted the economic setting for the practice of law has changed, but it has changed in the context of societal changes. Practicing law in the nineties as it was practiced in the fifties and before would be inappropriate.

Megafirms have indeed appeared, but they have done so to meet the needs of the client. As the corporation grows, so does its representation with branch offices and stratification that reflects the client's size and diversity. Large firms exist but so does the alternative, which is single practitioner or small-firm representation of small entrepreneurial companies. The breadth of possibilities for the practice of law has clearly grown in the past two decades. The megafirm, however, often engages in what I believe to be one of the most irritating practices in the profession, "hardball" litigation.

Hardball litigation is basically being a jerk in a legal setting, being difficult with no purpose, and not backing down whether or not such tactics are in the client's best interest. Other than a refusal to negotiate in good faith, the most common form of hardball is oppressive discovery, closely followed by the practice known as "oceans of motions".

Every litigator, if not every lawyer, who has been in practice more than a few months has received a set of interrogatories between 20 and 50 pages long relating to a case worth less than $10,000 or as discovery in a divorce action where both parties' total worth is less than $10,000 and both husband and wife make minimum or slightly higher wage. We are also familiar with attorneys who file multiple motions when an oral stipulation would be more appropriate, or counsel who file stock motions in every criminal case whether the particular motions have anything to do with any issue in the case.

A growing body of opinion in my jurisdiction holds that limits should be placed on discovery because of current abuses. Such limited discovery would include a list of witnesses, a summary of their expected testimony, appropriate addresses and telephone numbers, copies of documents expected to be introduced, and a statement of the theory of the case or recovery. It is expected that after limited discovery is exchanged, in appropriate cases, expanded discovery could be requested by motion. A procedure such as this should speed dispute resolution.

The bane of every criminal trial judge's existence is to receive a motion to suppress the statement of a defendant in a case and at the motion's hearing prior to trial discover that the defendant has made no statement at all. The same is true of a motion to suppress the stop or arrest of a defendant when resort documents in the court file disclose reasonable grounds and probable cause by the veritable tone. In such instances it appears to me that the filing of motions is a mere effort to impress an unknowing client with the volume of papers filed, none of which will assist the client at trial. Actions such as this tend to degrade an attorney's reputation among his or her peers, the prosecution, and members of the bench.

No matter how hard judges try to be impartial to counsel appearing in a case, over time, the filer of "oceans of motions" loses clout and is looked upon as a bumbler or incompetent. In my experience and in conversation with other judges, I find that an attorney who uses motions sparingly and with purpose gains respect and engenders some apprehension when he or she infers that a stop was without grounds or a statement was not voluntary.

Playing hardball through refusing to properly evaluate a case and oppressive discovery is bad for clients, the courts, and the lawyer playing that game. This type of practice is usually associated with generating fees, but will ultimately lead to the loss of clients and loss of respect in the legal community. Attorneys who practice this type of law not only risk client loss but also sanctions by judges and retaliation by opposing counsel so that such practices become ineffective at best. Poor motion practice involving a shotgun approach sends bad messages to judges and the public as well. "Oceans of motions" is not a tactic designed to resolve disputes. Delay is its aim, as it increases the cost to clients in dollars and the courts in time.

All practicing attorneys would greatly assist in the unclogging of the courts and would help improve the reputation of the profession by entering into negotiations in good faith and by assuring that motions and requests for discovery are filed in good faith. In this way, all can contribute to assuring that justice is done, which is why we entered this profession in the first place.

—Robert H. Russell II '75

A partner in the Seattle firm of Perkins Coie, ***J. David Andrews*** *has served on the Puget Sound Law School Board of Visitors since 1976. A Phi Beta Kappa graduate of the University of Illinois, he received a J.D. with Honors at Illinois in 1960. At Perkins Coie, he has served as administrative partner for personnel as well as partner in charge of labor and employment law practice with expertise in labor law and litigation. He is a fellow of the American College of Trial Lawyers and of the American Bar Foundation. He has served as president of the American Bar Endowment and treasurer of the American Bar Association.*

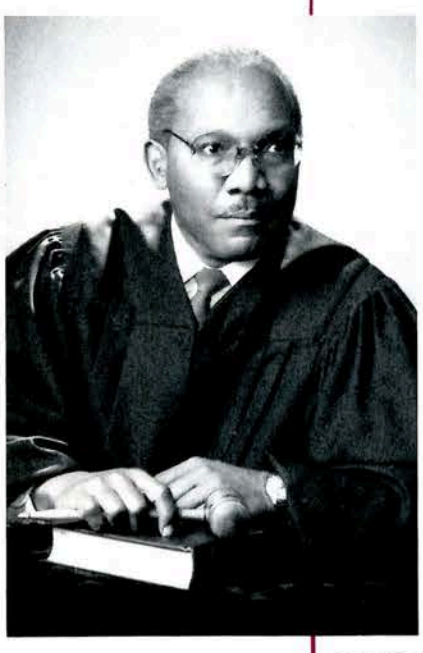
The analysis is timely and appropriate. Except for one aspect in the section on "What Does the Future Hold," I agree with the article. Professor Cramton correctly outlines the challenges facing the profession. These challenges do provide new opportunities for the practicing lawyer.

If the real test is timely, professional and accurate service to the client, then the client is better served today than ever before. Specialization has assured more accurate, timely advice and representation. Competition has assured attention to the client's needs, promptness and more service for the client's dollar.

One issue that the article does not cover is the toll that the increased competition takes on the young lawyer practicing in the large firm. Often it is the attorney's personal life that suffers. This issue must be considered and dealt with.

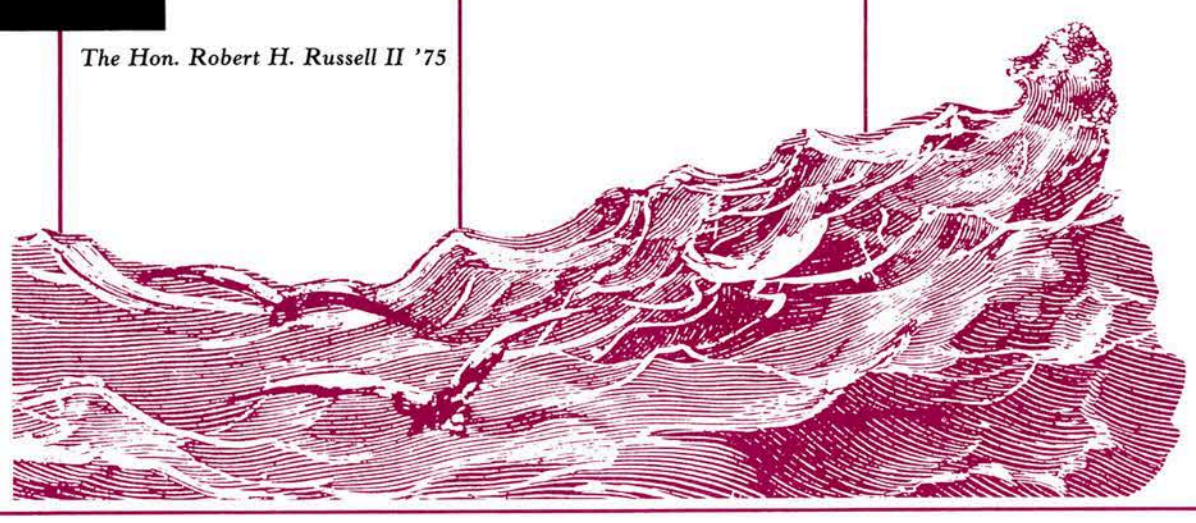
The future will mirror the past. The lawyer who is willing to go the extra mile, the lawyer who is willing to serve the profession and engage in pro bono activities in addition to being an outstanding lawyer will be the successful lawyer. Lawyers willing to do this will assure that the second prophesy by Cramton in the final paragraph of the article ("What Does the Future Hold?") will not come true. If we are willing to go the extra mile, we will not lose our self regulation, nor the opportunity to control our own destiny as individuals and as a profession.

—J. David Andrews



The Hon. Robert H. Russell II '75

J. David Andrews



More Changing
Baird: Sort Out Essentials from Social Baggage
Sebring: Changes Are Opportunities, Not Problems

"An increasingly female and minority bar is demanding to participate in a re-articulation ..."

Catharyn A. Baird, *associate professor of business law at Regis College, Denver, and counsel to the Colorado Secretary of State, penned the following, which she titled "When were the good old days?" Admitted to practice in both Washington and Colorado, she has had extensive teaching experience as well as private legal practice with expertise in family and corporate law and supporting expertise in litigation. Her many community activities include membership in the Sam Cary Bar Association as well as the Colorado Bar Association and serving as immediate past president of the Regis College chapter of the American Association of University Professors.*

When those who have practiced law a long time begin reminiscing about the days when lawyers were really lawyers, as does Roger C. Cramton in "The Changing Legal Profession," I realize again that, as a lawyer who passed the bar in 1975 when women were less than 5% of all practicing attorneys, my experience has been very different. I don't remember any "good old days of professionalism."

I remember being told *sotta voce* by opposing counsel as I stood up to make my opening argument to the court that my slip was showing. Flustered, I began speaking only to have a voice in my mind remind me midway that I was wearing a self-lined skirt and did not have a slip on. Lest you think such behavior was limited only to women, I remember picking up the pieces of a shattered practice 15 years ago when my boss, an established New York Jewish attorney who had moved to Colorado, had a violent nervous breakdown partially because he was deliberately excluded by the established bar, as later confirmed by one of his contemporaries.

So, in Colorado at the beginning of the 90's, rampant gender bias is still found both on the bench and among the bar, as evidenced by the recent Colorado State Court Commission on Gender Bias. The minority bar (black, Hispanic and women) still meets separately because being included in the majority bar requires a great deal of perseverance and desire. And the older lawyers still whine about the lack of professionalism in the younger lawyers.

As Mr. Cramton noted, incompetence in the bar is not new. What he failed to recognize is that the younger set learned its behavior from their mentors.

My own work in professionalism began about three summers ago as I was presenting a seminar on legal ethics to a group of black attorneys at their annual retreat. We began discussing what professional qualities were the essence of being an attorney and which were desired simply because they had come to be habit among the white males who originally set the rules. The corollary question was also asked: What qualities distinguish me as a black professional from a white professional?

The question seems simple, yet the answer is complex. A profession defines itself through its mission and its mentors. Lawyers are (relatively) clear about what they are to do: promote justice and advocate for their clients. The notion of championing a cause to assure that the right thing is done makes sense to us, especially after three years of law school.

However, during the past twenty years women and minorities have had a more difficult time defining themselves through their mentors. If they tried to be a clone of the white male they felt as if they were betraying their heritage. So they began to critique the professional mores by challenging the convention of social professional exclusion and the convention of winning at any cost.

Thus some of the confusion Mr. Cramton senses is due to the fact that an increasingly female and minority bar is demanding to participate in a re-articulation of the profession. What would practicing law be like if all persons were treated the same and had the same standards imposed in the law firms and offices and from the bench? What would those core qualities be which define us as lawyers?

Over the years, I have identified four traits which I believe are critical.

The first is competence with compassion. Each member of the bar has an obligation to be as competent as possible. However, those who have practiced many years and have completed many trials, contracts, or whatever their specialty, also have an obligation to assist the young attorneys — even those in solo practice — in becoming competent.

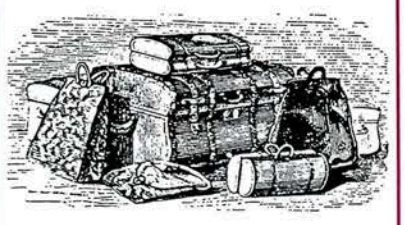
The second is integrity to oneself and one's profession. Integrity is not only answering phone messages and promptly doing what one has promised. Integrity includes acting upon the knowledge that the champion system works only when everyone comes to the table with all cards showing so an equitable decision or resolution can be had. Finally, integrity means honoring the profession so that each lawyer's behavior becomes an appropriate model for new lawyers.

The third is a love for justice rather than only a love for the battle. Becoming ego-involved in the work is easy. However, the client is the one with the life and livelihood on the line, not the lawyer whose reputation is established through competence and integrity — not just winning. I have seen colleagues become so excited about winning that they forget that justice often is accomplished by both sides losing a little. Some lawyers are willing to unnecessarily destroy people to win rather than recognize that all people entwined in the legal system deserve to be treated with dignity.

The last is a relentless dedication to self-knowledge. Practicing law will illumine character flaws more quickly than any other profession. Because lawyers are under such constant pressure (if the clients don't get us, the deadlines will), the worst habits and proclivities come to the fore. Those dedicated to personal growth find the practice of law a crucible for reflection and change. Those not so inclined find the practice of law a quick path to alcoholism, drug abuse, cynicism, and stress related health problems because denial causes great pain and leads to unprofessional behavior which adversely affects clients and ruins legal careers.

I look forward with great hope to a profession which will emerge from these years of disquietude with a clarification of what it is to be a member of the bar and with a commitment to including all who wish to belong. As the diverse membership sorts out that which is essential from that which is social baggage, the legal profession will once again be able to hold its head high (even though the perennial jokes remain) knowing that it is serving well the members of our community.

—Catharyn A. Baird '74



Judge Terry Sebring *a Pierce County Superior Court judge since February, 1990, has had extensive governmental legal experience. He served as legal counsel to Governor Booth Gardner from 1985 to 1990. Prior to that, he served as chief assistant to the Pierce County Executive, as personnel director for Pierce County, as chief civil deputy for the Pierce County Prosecutor's Office and as deputy prosecuting attorney.*

I enjoyed Roger Cramton's article. Change is inevitable and it is best to think of "change" as an opportunity, not a problem. It is easy to see why the profession is changing. The growth in the number of lawyers alone tells the story. Other factors forcing change are: (a) the economics of practice in expensive and sophisticated equipment, and staff; (b) business clients who want and need specialists; (c) the fact that our society and its laws continue to grow more complex.

Liking it is a different matter. Cramton quotes lawyers who complain about sharper practice and the decrease in "trust and civility in lawyer's relations." Their complaints sound familiar to me. It may have been possible to know the reputation and personalities of 200 to 300 fellow lawyers in your past legal community, but when the number grows rapidly to 900 to 1,000, figuratively, there is no keeping up.

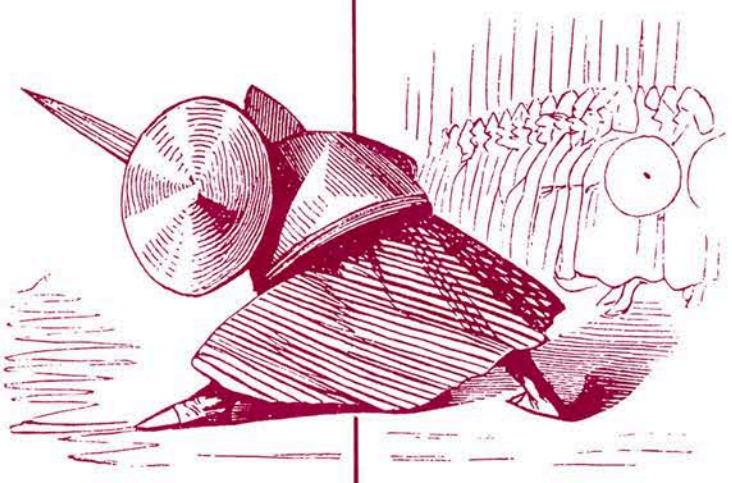
Legal advertising may be a counter force to the large law firm trend. Advertising along with other client-attraction efforts work to combat the public and business client's deductive assumption that "only big firms offer specialization." Lawyers have so far avoided specialization testing and board certifications which the medical profession chose to cement their specialized practice patterns.

The bottom line to change is, "What are you willing to do about it, if you don't like it?"

Most of us like to talk and comment, excuse me—complain. Complaining is also a great stress reliever, admittedly short term. However, it is difficult to see much lawyer rebellion. The current of change has not caused great numbers to dam it up or divert the flow. Remembering the good parts about the past is a step, but the challenge is to somehow modify the "present" to keep what we like. No small project.

—Terry D. Sebring '74

The Hon. Terry Sebring '74



Narodick: Client's World Has Changed As Well
Prevost: Encourage Options and Flexibility
Cumbow: Respect and Rewards Draw Good People

"Clients need their lawyers to be their advisors, associates, and confidants ..."

***Kit Narodick** practices aviation law at Bogle and Gates in Seattle. He came to the law school after a twenty-year career in the aviation industry. He holds an MBA in transportation from the University of Washington and a Ph.D. in economics and marketing from Columbia University. Kit enjoys skiing and boating with his family, and is a licensed single/multi-engine/instrument pilot.*

Professor Cramton has written a thought-provoking article regarding changes in the legal profession. His approach is primarily from an internally focused perspective. That is, how experienced lawyers view the forces and effects of change.

A markedly different analysis emerges when viewed from an external or client perspective. The dramatic changes that have occurred over the past three decades have greatly altered the environment in which our clients operate. The knowledge and information explosion coupled with rapid technological change and global interactions have created an environment where no one person can master and research all the issues. More than ever, clients need their lawyers to be their advisors, associates, and confidants as well as being their lawyers. This requires the lawyer to have a great depth of expertise in a wide array of areas.

The hallmark of a professional has always been extensive training, a highly developed code of ethics, and dedication to those served. The professional response to the explosion in knowledge requirements is to specialize, so that extensive training and knowledge can provide the required competency in the required practice areas to serve client needs. The evolution to large, complex law firms, bringing together specialists in all practice areas of client requirements allows us to continue to serve that client as a valued colleague, advisor and lawyer. The essence of the relationship and functional service provided to the client has not changed. The tools used and the manner in which we deliver the service have changed to allow us to maintain our professional role in the face of exponential growth in client requirements.

From the client's perspective, the other major change has been the cost of legal services. Two forces come into play here. First, global competition and domestic deregulation have placed significant pressures on virtually all industries. Expense control is essential for survival. Second, the increased complexity and knowledge requirements necessitate far more legal support than ever before, forcing the cost for legal services higher. Clients need and therefore require their legal advisors to be as efficient and productive as possible in order that the client obtain the bottom line performance required. Law firms will come under increasing pressure to quote the level of fees for a particular project and to quote fee caps on others.

The professional response to these requirements has been to develop an effective and efficient legal-services delivery system. This has been partially accomplished by more effectively using legal aides and paralegals, increasing training of new associates, increasing the use of in-house counsel, more effective management and performance-based compensation systems.

I question whether high pay, self regulation and high status were, and furthermore, are still the attributes which define a profession. Rather, I view them as the by-products and rewards which accrue to professionals, those who bring specialized training, true expertise and a high code of ethics to serve the client. If our profession continues to be responsive to client needs in this ever increasingly complex world, I believe those rewards will continue. "Fun" in practicing law will not come from providing legal services based upon the client environment of 20, 10, or even five years ago, but rather by finding new and innovative methods to solve client needs and problems and to support their personal and business growth.

—Kit Narodick '87

***Mary L. Prevost** is executive director for the San Francisco-based conference of Western Attorneys General, an association of the chief legal officers of 18 Western jurisdictions. Prior to accepting this position in 1988, she served on the staff of Governor Booth Gardner. Active in the Washington State Bar Association, where she served on several Bar committees, she also was active in the Government Lawyers Bar Association, and served as its president in 1986-87.*

As the legal profession becomes more diversified, the "typical" lawyer may no longer work within the structure of the private law firm. While Professor Cramton makes thoughtful observations on the diversity within the legal profession, perhaps these observations do not go far enough.

The diversity and changes and, as Cramton stated, the diminished justification for "the special privileges of the profession (monopoly status, self-regulation, and high status)," should not inevitably lead to a decline in professionalism. Instead, this diversity should lead to a call for greater attention to the standards of professional conduct.

The term "profession" includes a wide variety of fields today. No longer are *only* medicine, theology and law defined as professions. Rather than view "profession" too narrowly, we should include all those who have the education and credentials to be members of the legal profession. Lawyers should be encouraged, irrespective of who their clients are, to uphold the standards of the legal profession and to serve their clientele and the public to the best of their abilities.

As Professor Cramton notes, the demand for larger corporate and governmental legal staffs is increasing. An increasing number of lawyers are choosing employment in federal, state and local government and in other non-traditional careers. In addition, the ever-greater number of households where both parties work outside the home, or a single parent heads the household, means that lawyers often seek career options outside of private practice in order to have more time for families, friends and other important activities. The time pressures and stress in the legal profession may lead lawyers to re-evaluate their goals and to choose alternative careers. Men and women educated in our law schools have a great deal to offer in a variety of careers. Career options and greater flexibility should be viewed as positive developments.

To serve the needs of the public and the members of the legal profession, let us look favorably on these inevitable changes and support the growing diversity. We should encourage the specialized bar associations who can serve those lawyers with special concerns and interests. Their ability to address specific concerns, such as the special conflict of interest concerns facing governmental attorneys or access to justice issues for minorities, can only enhance the profession as a whole.

We know that the legal profession is changing. We must not become overly concerned about whether the professional status of lawyers is diminishing because of the loss of "monopoly status, self-regulation and high status." Instead, we should look to the broader view of "professional" and take steps to encourage each lawyer to uphold the high standards of the profession, to act as a skilled professional in any career he or she chooses, and to be a contributing member of the legal profession.

—Mary L. Prevost '82

***Robert C. Cumbow** is in his second year as a George H. Boldt Scholar and is an editor of the* Law Review. *Last summer he was an associate at Perkins Coie, where he will begin practice next year. A night student, he is corporate communications manager and speech writer at Puget Sound Power & Light Co., Bellevue. He is also the author of two books of film criticism.*

The darkest knell sounded in Professor Cramton's observations is that of increased specialization. It's everywhere now—and it signals a narrowing of opportunity, both for the entering lawyer and for the hiring firm. Many law students younger than I (which means almost all of them) already know exactly what they want to do. But do they know what they want to be? Focus too narrowly too early and neither you nor your firm nor your community may ever realize the full benefit of your contributions. (Expect a sentiment like this from a guy who goes to law school at mid-life with two careers already behind him.)

The lawyers of tomorrow could become such specialists that they cease altogether to be lawyers. Legendary is William Mayo's observation that a specialist is one who "knows more and more about less and less." But the more you know about anything and everything, the better lawyer you are. For the practice of law is not a science; it is a humanism.

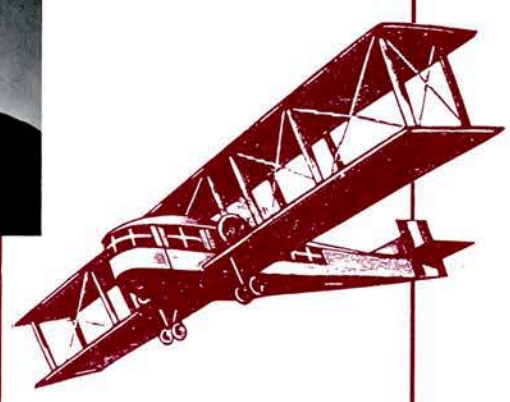
Everyone hates lawyers, of course. It's fashionable to hate lawyers. People who actually like a lawyer or two dare not admit it. At last count there were 14,703 lawyer jokes. I've heard them all twice. None of this is the real measure of how the lawyer is regarded in our society. Tradition, not fashion, controls that.

There is respect: Even those who make a show of holding lawyers in personal contempt regard them with professional respect. There is leadership: Among the leaders of our businesses, our communities, our states, and our nation, there are more lawyers than members of all other professions combined. And there is money. In a free enterprise economy, monetary reward is a measure of how society values a profession and the services it renders. People want to be well paid; but more than that, they want to be valued. The practice of law offers both, and so attracts those who aspire to its rewards.

So when Professor Cramton asks, "Should the remaining elements of professional privilege—exclusive licensing, high status, relatively high income—be stripped away?" the answer must be: No, they should not. These are the very elements that draw good people to the practice of law. If it became easy to be a lawyer, mediocrity would quickly follow. And, given the awesome power that rests in the hands of attorneys today, the result of mediocrity would be nothing short of devastating. If it stands for nothing else, the practice of law must stand for excellence.

—Robert C. Cumbow '91

Kit Narodick '87



Robert Cumbow '91

Mary Prevost '82

Federle: Clinical Education Can Ease Passage To Practice

"Reintegrate legal thought and action ..."

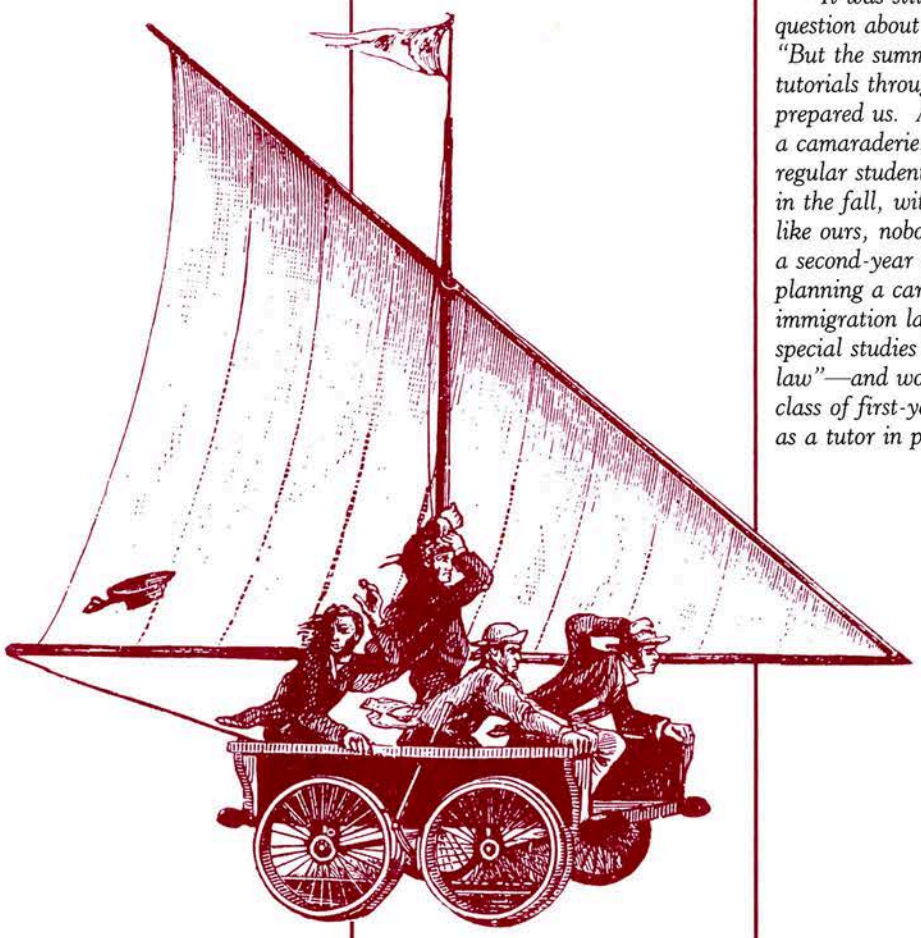
Katherine Hunt Federle *is associate professor of clinical law at Tulane Law School in New Orleans, where she directs the civil litigation clinic. A cum laude graduate and former managing editor of the* University of Puget Sound Law Review, *she also has taught at the University of Hawaii and the Georgetown University Law Center, and has served with the Snohomish County Public Defender Association. Among many professional activities, she is an executive member of the juvenile law committee of the American Bar Association Section on Family Law and a Master of the Bench of the American Inns of Court.*

Do young lawyers have the opportunity to learn about the practice of law after graduation? If Roger Cramton is correct, recent trends in contemporary legal practice suggest that the learning curve has been shortened dramatically by heightened competition and increased specialization. While the ramifications for legal practice may be the demise of special privileges associated with the profession, the consequences are already apparent in our law schools. As legal educators, we must consider the need to prepare law students for practice in a highly demanding and less nurturing environment. Perhaps now more than ever, clinical legal education provides that necessary transition between the classroom and the courtroom.

Although clinical legal education continues to engender controversy, both law school accrediting agencies require the inclusion of skills training in the legal curriculum. Encompassing both simulations and live client work, skills training is more than a mechanistic process; it is an area of substantive inquiry into the lawyer's role vis a vis theory and practice. While many, if not most, law students have been exposed to the realities of practice through work experience, clinical education gives students the freedom to experience the legal profession without the time pressures and bureaucratic constraints of practice. Critics of clinical legal education suggest that this process is neither sufficiently rigorous to justify its inclusion in the curriculum nor adequately based in reality to prepare students for the actuality of practice. But these objections overlook the importance of developing good lawyering skills and habits that significantly ease the transition from law student to lawyer.

Cramton, too, has suggested that clinical education fills a need in the legal curriculum. In "The Current State of the Law Curriculum," 32 J. Legal Educ. 321 (1982), he claims that legal education has become an intellectually monotonous endeavor responsible, in part, for the ennui of second- and third-year law students. By including theoretical and intensely practical courses, Cramton implies the reintegration of legal thought and action essential to professional development. If his assessment of the future also is correct, then clinical education will play a pivotal role in preparing young lawyers for their chosen profession.

—Katherine Hunt Federle '83



Student Lawyer Profile

—Continued from page 2—

told us something about that. I saw a wealth of experience in that room. It was electric."

Prior himself brought some history, and some unique anecdotes. A musician and composer—"I was working with microtones, a logarithmic approach to tonality; I see law and music as so similar in their logic"—he had played percussion instruments for the Detroit Symphony and spent some time with the Bogota Philharmonic.

After a few other career twists and an undergraduate degree in music, he ended up in his farm house in Bear Lake, Michigan ("just south of Traverse City"), writing application letters to law schools. One that answered was the University of Puget Sound Law School in Tacoma, Washington, with an invitation—and a qualification: Prior would have to enter through the UPS Alternative Admission Program. This first meant an eight-week, early-entry summer school session, then later tutorial support and workshops. The UPS program is carefully planned with a faculty member as full-time director, adequately funded solely by the university, and is in the mainstream of special-admittee efforts in law schools across the country.

"I looked around the room that first day, listened to the stories, and thought that we had something real going here," Prior says. He completed the introductory summer session—including a full-load criminal law course, daily workshops on legal writing and analysis, and weekly practice examination sessions—then plunged into his first year, supported by the law school's Academic Resource Program. Enrollment in the resource program is mandatory in the first year for all the law school's specially-admitted students, supporting them with more help: regular practice exams and weekly reviews, twice-a-week workshops in doctrinal analysis and outlining and, in the last month of each term, a weekend review for each class.

"It was still a rough year, no question about it," Prior says. "But the summer session, then the tutorials throughout the year, really prepared us. And we built up such a camaraderie. I felt sorry for the regular students who came in cold in the fall, with no support group like ours, nobody to talk to." Now a second-year student, Prior is planning a career—"I'm looking at immigration law, and want to do special studies in international law"—and works with the current class of first-year special admittees as a tutor in property law.

Admission Requests Soar

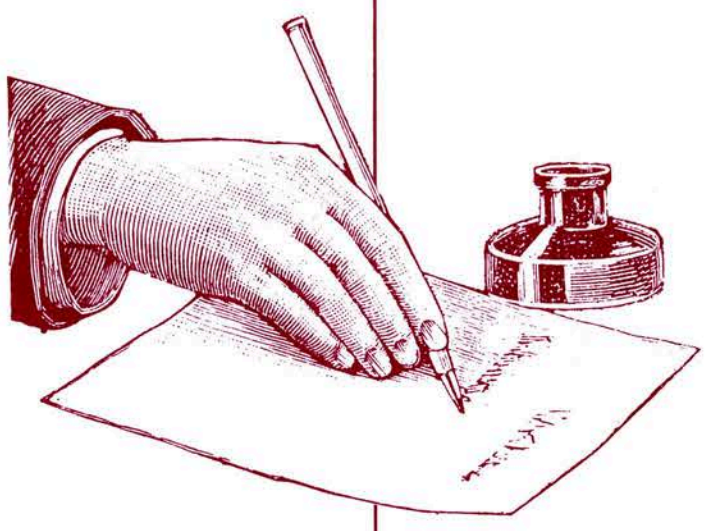
—Continued from page 2—

2) Dramatic improvements in the statistical profile of entering classes, especially in the last two years. On average, students in the 1990 entering class had a 3.28 GPA and a 37 LSAT, putting our "average student" in the 79th percentile of the national applicant pool, up from the 72nd percentile the previous year and the 69th percentile the year before.

3) An impressive performance on 1990 bar examinations, when first-time takers of the July Washington Bar, fast becoming known as one of the nation's toughest, passed at a rate of 76 percent, 4 points above the statewide average. Grads sitting for the Alaska bar exam passed at 100 percent. Overall, out-of-state bar passage for our most recent graduates stands at 80-plus percent.

4) Growing recognition by professional evaluators of particular Puget Sound strengths including: the scholarly productivity of our faculty members (a top 50 listing); a *Student Lawyer* article featuring our "first-rate Legal Writing Program," followed by another *Student Lawyer* article describing our Alternative Admission Program (*see story page 2*); overall improvement, signalling a possibly "meteoric rise" for a school that is among the top 56 in the country, according to a new book published by Prentice Hall (*see story page 2*).

"Competition for a place in the entering class is going to be stiffer than at any time in our history," Freimund concluded.



Health Costs Examined

Symposium plans ...

The increasing urgency of controlling costs for health care and the growing strength of the health law curriculum at Puget Sound are reflected in plans for a symposium on Hospital Cost Containment, to be held at the School on April 5 & 6.

A number of experts on hospital regulation, reimbursements, utilization review, staff relations, and various operational and legal matters will present papers, which will be commented on by representatives of the hospital community, hospital regulators, and the public health community. Later the papers will be published in the *University of Puget Sound Law Review.*

Roger Pearce '91, a *Law Review* lead articles editor and conference planner, noted that an outstanding group of authors from across the nation will present papers on what has become a "600 billion dollar problem."

"As hospitals are increasingly regulated by state and national governments as well as by third-parties," Pearce said, "attorneys are becoming more and more involved in the regulatory process. Anyone who has a background in medicine, or who represents doctors and health care institutions, would have an interest in the subject," he said.

The symposium, sponsored by the School and the *Law Review*, has been certified for nine CLE credits.

For more information on the speakers and registration, write to the *University of Puget Sound Law Review* at 950 Broadway Plaza, Tacoma 98402, or phone (206)591-2995.

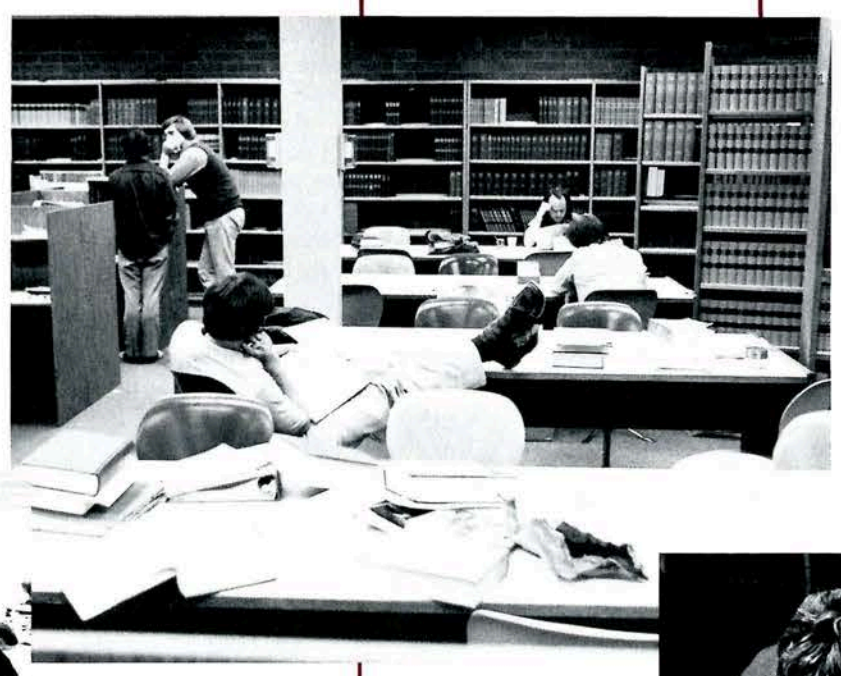
Get Out Your Scrapbooks, Pen Some Memoirs We're Getting Ready For a Twentieth Anniversary

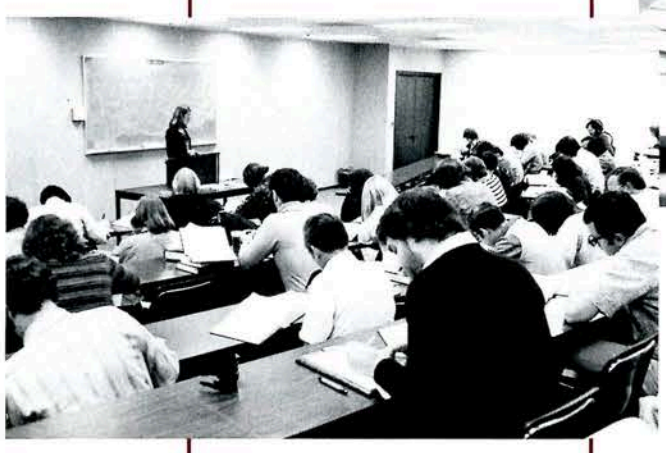
And here's a peek back to the early '70s from our photo files.

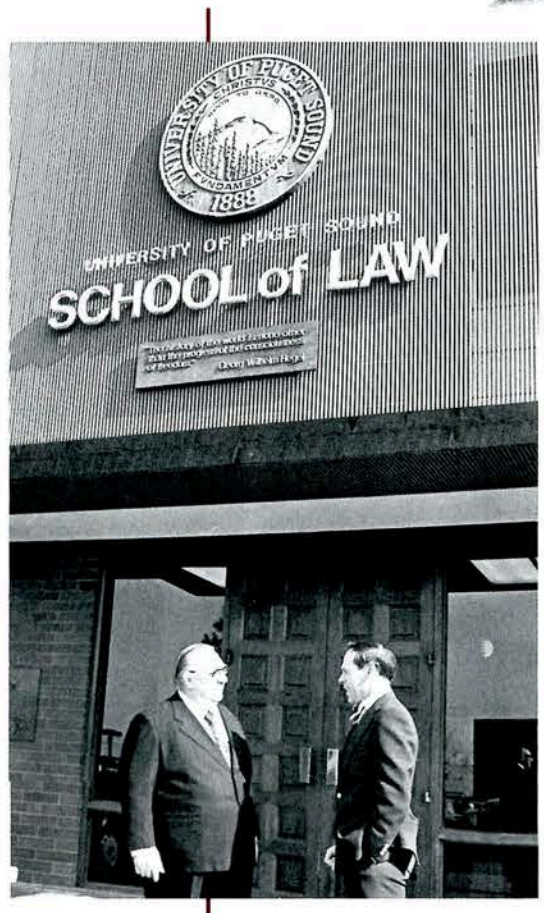
In September of 1992, the Law School will begin a year-long celebration of the 20th anniversary of its founding. A committee appointed by Dean Bond is charged with planning the events for the celebration year. **Aaron Owada '83** and Lucy Allard, executive director of Alumni/ae Affairs & Career Services, will serve as co-chairs. Alumna **Darcia Tudor '81**, faculty members David Skover and Sheldon Frankel, staff member Kelly Kunsch, and students **Alan Copsey '93** and **Jeanne Lopez '92** complete the committee.

The committee plans to publish a short pictorial history of our first 20 years, so now is the time to ***dig into your scrapbooks and boxes of memorabilia for anything you are willing to share.*** Please send them to Lucy Allard, Alumni/ae Affairs Office.

Mark a red ring around September 1992 on your calendar. Future issues of *Lawyer* will keep you up-to-date on the celebration events, but the Annual Dinner in September will be part of the kick-off.







Notes on Puget Sound Alumni/ae Who Have Been Writing Books, Changing Jobs And Doing Some Fancy Electronic Things

So tell us what you've been doing lately.

Many thanks to the alums who contacted the Alumni/ae Office with information on "lost" classmates. We try to maintain contact with all of our alumni/ae and we appreciate your assistance in that endeavor. We would like to hear from you, too. Take a moment now to bring us up-to-date on your activities.

Congratulations to **Sim Osborn '84** who is now a named partner at Kargianis Austin Osborn in Seattle, and to **Sally Briggs Leighton '79**, a named partner at Burgess, Fitzer, Leighton and Phillips in Tacoma.

Carmen Bullard '90 has set up a private practice in downtown Seattle. She is also working as an instructor for the University of Washington's Legal Assistant program.

Gregg M. Olson '88 is now an assistant public defender for the State of Alaska's Public Defender Agency located in Kodiak.

Carolann Storli '84 writes that "after taking two and a half years off to be with my son, Lane, after his birth, I joined the personal and estate planning group at Foster, Pepper & Shefelman this past July."

Russ Pinto '76 is Director of Land Protection for the Oregon Field Office of the Nature Conservancy.

John R. Bachofner '88 has joined the Portland firm of Acker, Underwood, Norwood & Hiefield, where he is practicing insurance and commercial litigation. Bachofner recently completed a two year clerkship with Judge Walter Edmonds of the Oregon Court of Appeals. He is a member of the Law Related Education Committee of the Oregon State Bar and the Young Lawyers Division of the Washington State Bar.

Sheri L. Arnold '88 has opened up a private practice in Tacoma. She is handling criminal defense and plaintiff personal injury cases.

Kim D. Koenig '81 is keeping busy with a variety of endeavors. She had a metaphysical philosophy book, *Sojourns of the Soul*, published by Uni*Sun in 1989 and she has a contract with Jockey International to work as a model/spokesperson. These activities have not kept her from the law—she is also of counsel to the Seattle criminal defense law firm of Mestel & Muenster.

Charles B. Brown '82 is corporate counsel for Wilson Sporting Goods. He is located at their national headquarters in River Grove, Ill.

Scott Winship '86 and his USVBA Men's BB Volleyball Team, "Close-Out," won the championship for the region of Washington, Idaho, and Montana last spring. Winship is an outside hitter on the team.

Rebecca A. Neal '90 writes, "I passed the bar and am working in the King County Public Defender's office in downtown Seattle. I've moved to Seattle and love both living and working there."

Terry Rhodes '81 and his spouse Pamela (main campus '78) spent two months traveling around the country last year and then purchased a house in Snohomish. Rhodes practices in Everett.

Joan Marie Flowerbird '89 is practicing with the public defender in Okanagan, Wash. She is also involved in the Omak Middle School Law Mentor Program.

Jeanne M. Kreuser '86 is now associated with the firm of Schapekahm & Eiche in Milwaukee, Wis.

James M. Mucklestone '90 is director of appeals at Mucklestone and Mucklestone in Seattle. He notes that he "argued in the Court of Appeals in September for the Seattle City Attorney's Office."

Since opening his practice in Seattle in 1985, **R. Douglas P. Ferrer '85** has been listed in *Who's Who in American Law*, *Who's Who of Emerging Leaders* and *Who's Who in the West*. His practice centers on criminal defense, civil litigation and commercial law. Among his clients are Wizard Electric Co., Edwin Enterprises, and Washington Pavemasters.

Michael J. Zelensky '83 is a partner in the firm of Whittaker and Zelensky in Ketchikan, Alaska. He also teaches business law at the Ketchikan campus of the University of Alaska.

David T. Mulholland '85 has left the Seattle firm of David R. Hallowell & Associates to join the Anchorage firm of Lynch, Crosby & Sisson. His practice focuses on insurance defense litigation.

Stephen F. Schneider '88 was awarded an LL.M. in Taxation from the New York University School of Law in May 1990. He is now associated with Williams Kastner & Gibbs in Seattle.

Edward J. Kornish '89 is an assistant prosecuting attorney with McDowell County in Welch, W. Va. He was admitted to the Illinois Bar in 1989 and the West Virginia Bar in 1990.

Patrick E. Pressentin '75, who had merged his practice with the Spokane firm of Evans, Craven and Lackie in 1988, has now returned to solo practice. He continues to practice in the litigation areas of insurance, environmental damage recovery, and real estate in Seattle.

Brenda L. Hunt '90 is a reporter/legal writer for the *Los*

VOTE ANYWHERE & OFTEN

When **Bill Becker '75** recently left his home in Texas to travel to Tacoma, it wasn't just to visit the Law School and reminisce about his days as a student at the old Benaroya school. He was here to sell a product to the local election board. The product: Vote by Fax.

Becker is an owner and vice president of Election Technology Co. which has developed and is marketing a new Vote by Fax system. The system was first tested last fall with troops stationed in the Middle East for Operation Desert Shield.

G.I.'s were able to request an absentee ballot by fax, receive it by fax, and—if they waived their right to secrecy—return it by fax. Normally it's all done by mail, which takes a month or more.

Nearly all 50 states participated in the Vote by Fax program last fall, and Election Technology Co. is continuing to discuss the system with states and local governments whose laws have not yet caught up with the latest technological wave.

KRANTZ NEWS SERVICES ON TRACK & ON-LINE

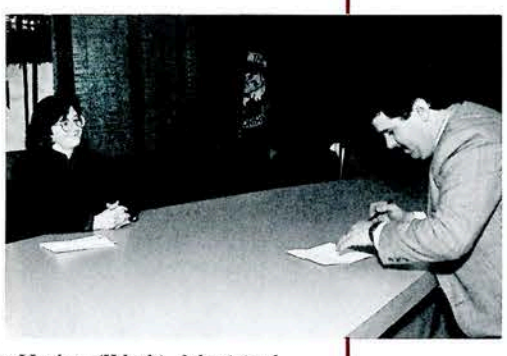
Dennis '86 and **Beckie Krantz '88** seem to have little in common with the stereotype of aggressive entrepreneurs. They live in a quiet neighborhood in the north end of Tacoma, devoting their time to their two children and to legal research and writing. Yet the Krantzes have developed a product which places them in the class of entrepreneurs, and which they expect will be used by attorneys, news services, and special interest groups on a regular basis.

Dennis and Beckie's company, Krantz News Services, launched its first electronic news service database, *Supreme Court Today*, in November with regular electronic coverage of all major U.S. Supreme Court decisions—approximately 130 each year. In January, *Supreme Court Today* went on-line with ABA/net.

The Krantzes bring a unique combination of skills and experience to their venture. Beckie graduated in the top 5% of her law class, and was awarded AmJur prizes in constitutional law and torts. During her final year as a law student and after completing law school, she assisted Washington Supreme Court Justice Robert Utter with the development of a constitutional law database. She designed the database and wrote the software for *Supreme Court Today*, which has been in the works for nearly two years.

Dennis was a reporter for dailies in Virginia and Colorado before attending law school. He has been a bailiff for the Court of Appeals in Seattle and a clerk/bailiff assigned to Judge Peter Steere in King County Superior Court.

The Krantzes have plans for other databases to add to the Krantz New Service repertoire, but, understandably, they are keeping those ideas under wraps.



Gig Harbor (Wash). Municipal Court Judge ***Marilyn Paja '79*** *oversaw the swearing-in exercises for her fellow alum,* ***Tom Farrow '81****. Farrow was elected judge for Pierce County District Court 2 last fall. Photo courtesy of Peninsula Gateway/Leland Smith*

Larry Smith '83

Kim D. Koenig '81

Sally Leighton '79

Dennis Krantz '86 & Beckie Krantz '88

More notes ...

Angeles Daily Journal, the largest legal newspaper in the country.

Steven C. Orr '75 was appointed assistant chief administrative law judge for the Illinois Department of Public Health last July.

Daniel A. Still '90 is associated with the Law Offices of James M. Healy, Jr., in Tacoma.

Cheryll Russell '84, Cynthia Kadoshima '86, Jeanne Clavere '87, Lisa Schuchman '85, Adrianne Tollefsen '85, Lynne Graybeal '83, Sheryl Garland '85, and **Laurie Schoenrock Levin '82** were elected to the Seattle-King County chapter of Washington Women Lawyers Board of Directors.

Ann Sweeney '87 has been promoted to manager of judicial education at the Office of the Administrator for the Courts in Olympia, Wash.

Auburn (Wash.) Mayor Bob Roegner announced that **Steve Shelton '81** has been appointed as Auburn's new city attorney.

Julie and **Michael Shipley '88** welcomed a new baby girl into their family last October.

Alice Blanchard '84, Darcia Tudor '81, and Board of Visitor member **John Hoglund** served as judges for the first annual Excellence in Legal Journalism Awards Program sponsored by the Washington State Bar Association. The Judging Committee was chaired by another Board of Visitors member, retired Supreme Court Justice Vernon Pearson.

Gerhard Krahn '78 was named New Jersey state manager for Lawyers Title Insurance Corporation based in Richmond, Va., last September.

Steven P. Koda '85 is a patent attorney in the recently opened Seattle office of the San Francisco-based firm of Townsend and Townsend.

Peter M. Lukevich '89 has been elected to the Alumni Association Board of Directors at City University in Bellevue, Wash. He practices with the firm of Appelwick, Trickey and Spicer in Seattle, and serves on the Board of Directors for the Lake City Community Council.

Mark T. Handley '85 is counsel to the House Judiciary Committee for the Alaska State Legislature.

Pao Lin Ball '83 is house counsel to the Seminoff Company based in Bellevue.

Peter N. Allison '76 and his real estate development business, Allison Investment Group, were showcased in an extensive article last fall in the Puget Sound Business Journal.

Larry J. Smith '83 has become a partner in the Seattle firm of Graham and Dunn.

Christopher M. Huss '75 reports that he is "in solo private practice in Lakewood, Pierce County, with emphasis on banking, real estate development and commercial law. I am active in St. Luke's Episcopal Church and coach and play soccer. My wife Andrea (main campus '70) is a 4th grade teacher at Whittier Elementary in Fircrest. My children Tim (15) and Megan (13) are healthy, active teenagers."

Nikki L. Anderson '85 has joined the firm of Keller Rohrback in Bremerton, Wash.

Valerie Knecht Hoff '78, who practices with the Bellevue firm of Revelle, Ries &Hawkins, has been elected to the board of trustees for the East King County Bar Association.

Valerie Knecht Hoff '78

Simeon Osborn '84

OUR ONE-WOMAN BAND CONDUCTS ISLAND COURT

With the exception of courts-martial, there is only one United States court operating in a foreign country, and a Puget Sound alum was recently appointed to its bench.

Karen M. P. Fautenberry '80 has been named the United States Magistrate Judge for the United States District Court for the District of Hawaii at the U.S. Army Kwajalein Atoll.

The part-time position has criminal jurisdiction over offenses committed by U.S. citizens and permanent resident aliens on U.S. defense sites in the Marshall Islands in violation of the U.S. Code and the Hawaii Revised Statutes. The U.S. Magistrate Court at Kwajalein was established in October 1986 when the Compact of Free Association between the United States and the Republic of the Marshall Islands became effective.

As her full-time job, Judge Fautenberry is manager of legal and subcontracts for the Kwajalein Support Project of Johnson Controls World Services Inc. Over the last ten years she has worked with military base support projects in Kwajalein, as well as Georgia, Arizona, and Washington states, with a wide range of responsibilities related to contract management. She first became involved in this field when, as a faculty researcher and administrative assistant at the University of Hawaii during the 70's, she was responsible for the management of government contracts and grants involving a SKYLAB research consortium at NASA-Ames Research Center and the Office of Manned Spaceflight and Planetary Biology.

At the same time, Judge Fautenberry completed master's degrees in mathematics and science, writing her thesis on modern theoretical physics and advanced geometry.

She currently serves as legal advisor on procurement, employment, and environmental and international law, and is responsible for services subcontracts such as banking, travel, DHC-7 aircraft leases, equipment overhaul, and minor construction on Kwajalein.

In addition to her responsibilities with the court and Johnson Controls, Judge Fautenberry teaches courses at the University of Maryland at Kwajalein Atoll, and volunteers as a judge for the local branch of the High Court of the Marshall Islands.

***Grace Wagner '85** and Judge-elect Roger Fisher in Everett District Court, where Wagner is gaining fame for her energy, tenacity, and skillful work, especially with abused and divorcing women. Photo by Pedro Perez/The Seattle Times.*

WOMAN OF THE YEAR

In court & out ...

When the women's program at Everett Community College honored attorney **Grace Wagner '85** for her work with battered women and soon-to-be divorced housewives, she was described as "the Lee Iacocca of divorce." Such an extravagant description seems typical of the metaphors used to describe both Wagner's toughness in court and her compassion for her clients.

Wagner, who practices in Everett, was recently featured in a *Seattle Times* article in which she revealed that she has been called a pit bull with lip gloss, a barracuda, and a shorts shredder, not to mention other ruder descriptions. However, Wagner was selected as a "Woman of the Year" last spring not only because she fights so hard for her clients in court, but also, according to the head of the women's program at Everett Community College, because she "helps women pick up the pieces of their lives."

The *Seattle Times* article maintained that not only does Wagner accept clients, such as battered women, that other attorneys are reluctant to take, but also routinely goes beyond the legal concerns of her clients, directing them to educational resources, career counselors, and financial planners.

Pleased with the positive feedback that she has been receiving, Wagner reports that she recently successfully argued an appellate case, *Aetna v. Boober*.

CORRECTION

In the Fall 1990 edition of Alumni/ae Notes we incorrectly reported that **Cathy Cleveland '84** had joined the firm of Leach, Brown & Anderson. We also incorrectly reported the name of **Julie Lim '84** and **Lloyd Herman**'s **'85** baby. His name is Geoffrey.

DID YOU FORGET?

Don't forget to return your 1992 Alumni/ae Directory Questionnaire! If you did not receive yours in the mail, or if you need another copy, call the Alumni/ae Affairs Office at (206) 591-2288.

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Or come on down...

We're always happy to hear from our graduates. Here are phone numbers for a variety of offices, including the Publications Office, where you can express any opinions about this issue of *Lawyer* or let us know what you'd like to see in future issues.

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Women In Law Celebrated

The Law Alumni Society recently presented the Law School with a lithograph of Linda Hawkin Israel's "Women in Law" painting. Originally commissioned by Washington Women Lawyers in 1982, the "Women in Law" painting is in the permanent collection of the National Museum for Women of the Arts. The first lithograph resides at the United States Supreme Court. Hawkin Israel expects the painting to be selected soon as the subject of a United States stamp. The Society presented the lithograph to the Law School in honor of the many Puget Sound women students and graduates who are learning and practicing law, and to recognize the unique contributions of women in law.

Student Bar Association Vice President ***Patrick Hardy '92*** *thanked artist Linda Hawkin Israel, while Lithograph Committee Chair* ***Linda Moran '86*** *(center) looked on.*

Artist Linda Hawkin Israel, describing the imagery she used in the lithograph, said, "I tried to capture, in one woman's face, some of the physical features of many ethnic groups, a symbolic role model to express the dignity of a woman who knows herself and who knows human nature—powerful, compassionate."

Women students representing the Student Bar Association, the Women's Law Caucus, the Black Law Student Association, the Latino Law Students Association, the Women's Law Caucus, and the Alaska Student Bar Association accepted the lithograph on behalf of the School. Pictured from left are: ***Franney Jardine '91****,* ***Susan Kitsu '92****,* ***Ramona Writt '91****,* ***Gretchen Weber '92****,* ***Tarey Read '92****,* ***Ruth Warner '91****,* ***Sue Sholin '91****,* ***Pam Cairns '91****,* ***Karen Rogers '91*** *and* ***Lana Morgan '91****.*

Rita Herrera-Irvin '91*,* ***Ramona Writt '91*** *and* ***Georgia Locher '91*** *joined the crowd in Weyerhaeuser Lounge for the presentation.*

Linda Hawkin Israel and 1990 Distinguished Law Graduate the Honorable ***Karen Seinfeld '77****, who presented the lithograph to the Law School on behalf of the Society.*

The University of Puget Sound School of Law

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